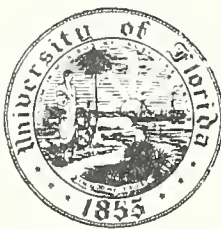


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THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOLUME V.

JULY, 1901, TO APRIL, 1902.

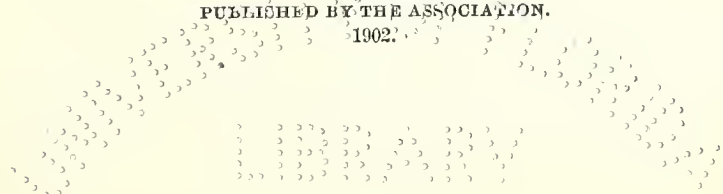
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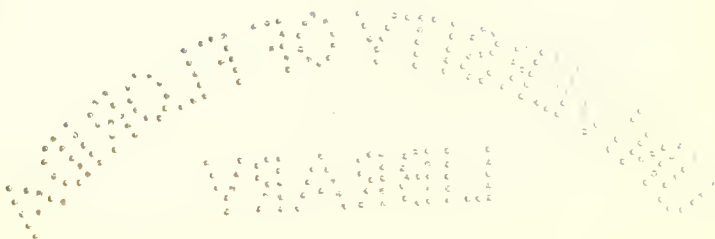
EDITOR.

GEORGE P. GARRISON.

AUSTIN, TEXAS:
PUBLISHED BY THE ASSOCIATION.
1902.



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The Texas State Historical Association.

Organized March 2, 1897.

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THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION.

Vol. V.

JULY, 1901.

No. 1.

The publication committee and the editor disclaim responsibility for views expressed by contributors to the Quarterly.

THE ESCAPE OF ROSE FROM THE ALAMO.¹

W. P. ZUBER.

I wish to say something in self-defense and for the truth of history, concerning my published account of the escape of a man whose name was Rose from the Alamo, March 3, 1836. The occasion of what I have to say is that I have been reliably informed that my account of that escape has been contradicted. I have not seen any published contradiction of it by any reliable authority, neither do I know of any reliable person who has publicly contradicted it; yet I am led to believe that such contradictions, though unreliable, have made an impression upon the minds of some well meaning persons. Therefore I feel called upon to present the case more fully.

¹Read at the annual reunion of the Texas Veterans and the Daughters of the Republic at Austin, April 22, 1901.

Among the details of the defense of the Alamo, as it is frequently described, is a speech by Travis in which he tells his companions how desperate their case is, and/at the conclusion of which he draws a line on the ground with his sword, and asks all who are willing to stay and die with him to cross it and stand beside him. The authority for this is the story told by Rose to the parents of Captain Zuber, repeated by them to himself, and first published by him in *The Texas Almanac* for 1873.—EDITOR QUARTERLY.

It should be remembered that I learned the facts, though second-hand, from Rose himself. He recited them to my parents, who, in turn, recited them to me.

I must admit that, after years of reflection, I arrived at the opinion that in my first writing on this subject as published in Richardson's *Texas Almanac* for 1873 I erred in stating Rose's service in the French army; and I wish to explain how I did so. My father was then afflicted with deafness, and was very liable to misunderstand many things that were told to him. Learning that Rose had served in Napoleon Bonaparte's army, he understood him to say that he had served under that general in Italy, as well as in Russia, and so I then stated; but my mother, whose hearing was unimpaired, did not hear him say that he had served in Italy, though she did hear him say that he had served in the invasion of Russia, and on the retreat from Moscow. On later reflection, I infer that my father was mistaken regarding the service in Italy. Remembering his habits, I now believe that Rose told him something which he had learned of the Italian campaign, and my father inferred that he had served in it also. I also believe that I would have done better to omit Rose's estimate of the number of slain Mexicans that he saw near the Alamo, when he looked down upon them from the top of the wall. Of course, being horrified at the hopeless condition of the garrison, as Travis had just explained it, he saw what appeared to him a great number, and he had no leisure even to *think* of counting them. He only said that they *seemed to be so many*. The rest of his statement was all repeated to me by my mother, and I vouch for its correctness. In my account of this escape in Mrs. Pennybacker's *History for Schools*, I have made the needed corrections, and I affirm that I believe my entire statement in that excellent little book to be correct.

Now, were I to admit Rose's entire statement to be false, yet I would contend that no person is now able to disprove it. The Alamo was not in 1836, as now, in the heart of the city of San Antonio, but a considerable distance from it. The town then covered about one-half of the peninsula formed by the horseshoelike bend of the San Antonio river; and that the west end of it was farthest from the fort, while the east end, next the fort, was uninhabited and covered by a dense mesquite thicket, which obstructed the view between the town and the fort. The view between the

fort and the small suburb of Laveleta was likewise obstructed. This was the situation when I explored part of the ground in 1842. During the siege, though the people in the town heard the reports of fire-arms, as used by the besiegers and the besieged, none of them could see what was done about the fort without needlessly risking their own lives, which they probably had no inclination to do. The men in the fort (all but Rose), were killed, none surviving to tell the story. Mrs. Dickinson and Travis's negro were shut up in rooms, and could not see what was done outside the fort, nor much that was done in it. None of the Mexicans knew all that was done, and the official reports of the Mexican officers were not distinguished for veracity. Then, how can any person at this late period disprove Rose's statement of what occurred about the fort?

I must notice an error which has been thrust into history, which seems to have been relied upon as a disproof of Rose's statement. That is, that, prior to March 3d, 1836, no Mexican soldier had approached within rifle-shot of the Alamo.¹ But both probabilities and facts are against this assertion. We know that Santa Anna, during his Texas campaign in 1836, perpetrated some gross blunders; but, to say that he stormed the Alamo without first having it closely reconnoitered to obtain, so far as practicable, a knowledge of the strength of its walls and of the condition of its defenders would be to accuse him of incredible stupidity, and to say that he delayed doing so till after the ninth day of the siege would be an accusation to the same effect. To my mind, it would be clear without positive evidence that, for this purpose, before the ninth day he sent scouting parties even to the ditches which surrounded the walls. As such approaches *could not be* made in daylight, they were of course made in the night, when but few persons even in the Mexican army were aware of them, excepting those who participated in them. And, of course, the watchful inmates must have slain a large number of those who thus approached.

But we are not without positive evidence that such approaches were made. At least, I have it. Colonel Travis had not leisure to write everything in his dispatches, and of course he sent out as couriers some of his most reliable men, who would state facts and

¹Rose asserted in the story of his escape that when he left the Alamo he saw numbers of dead Mexicans lying near the walls.—EDITOR QUARTERLY.

nothing else. His last courier, sent out on March 3d, 1836, who arrived at Washington-on-the-Brazos on the morning of March 6th, stated to members of the Convention then sitting in Washington, that the enemy had more than once approached to the walls of the fort. Of course, I infer that the courier meant that they approached to the brinks of the ditches which were as near toward the walls as they could proceed. On the next day, March 7th, Dr. Anson Jones, afterward President of the Republic, passed through Washington, halting there; and several members of the Convention repeated to him what the courier had told them of such approaches. On the night of the same day, Dr. Jones arrived at the residence of Mr. A. D. Kennard, Sr., twenty-three miles east-northeast of Washington, and stayed there till after breakfast on the next morning, March 8th, 1836, when he repeated to several other gentlemen what had been told by the courier to members of the Convention, and by them to him, of several approaches by the enemy to the walls of the Alamo. He did not say how often they had approached, but his expression was "more than once." Dr. Jones does not tell this in his *Republic of Texas*: nevertheless, I was then at Mr. Kennard's, en route, as I thought, for the Alamo, and I heard him repeat this statement.¹ Thus we have excellent positive evidence that, before the 3d of March, 1836, some Mexican soldiers did, more than once, approach within rifle-shot of the Alamo, and nearer than that.

Rose left the Alamo on the afternoon of March 3d, and historians say that the courier, Captain Smith, left on the *night* of the 3d. If it were certain that Smith left on the night *following* the 3d after Rose left, this would prove Rose's statement to be false; for Smith said nothing of Travis's speech. But Smith certainly left before that night. I have no doubt that he left on the 3d, and in the night; but his departure evidently was on the *morning* of the 3d, between midnight and daybreak—say, soon after midnight.

¹During many years I was ignorant of the identity of this courier, but I have learned from Bancroft's history that he was Capt. John W. Smith (Bancroft's *North Mexican States and Texas*, Vol. II, p. 213, foot note 26). It was this same Capt. John W. Smith who piloted Capt. Albert Martin's company into the Alamo on the night of March 1, 1836. (*Ibid.*, p. 209.) His bearing Travis's last dispatch preserved his life. He was an honorable citizen of San Antonio, and represented Bexar district in the Texas Senate in 1842.

He could not have escaped the vigilance of the Mexican guards earlier than about midnight, as they were on strict watch for men from the Alamo. But suppose he left about midnight *following* the 3d. Then he would have, at most, three days in which to ride to Washington, where he arrived on the morning of the 6th. The distance from San Antonio to Washington was one hundred and eighty miles, and to cover this distance in three days would have required him to go sixty miles per day; but he could not have ridden at that rate during three successive days, without great danger of breaking down his horse. Suppose, however, that he left soon after midnight on the *morning* of the 3d. This would give him *four* days in which to ride the one hundred and eighty miles; that is, forty-five miles per day, which is reasonable. So I opine that Smith certainly left before the delivery of Travis's speech.¹

I have now to refer to a striking instance of interpolation in a history by an officious publisher or printer. I have no doubt that the historian Thrall was a truthful and conscientious gentleman, but evidently he sometimes relied too much upon his memory in stating historical facts; and his publisher or printer added to his mistakes. This is demonstrated in a passage, in which it is said:

"Travis now despaired of succor; and, according to an account published in 1860, by a Mr. Rose, announced to his companions their desperate situation. After declaring his determination to sell his life as dearly as possible, and drawing a line with his sword, Travis exhorted all who were willing to fight with him to form on the line. With one exception, all fell into the ranks; and even Bowie, who was dying with the consumption, had his cot carried to the line. The man who declined to enter the ranks that night made his escape. [This tale is incredible, since he reported large pools of blood in the ditch, close to the wall, when no Mexican had then approached within rifle shot.]"²

This passage is evidently the work of more than one writer. Had its authors *intended* to embrace as many errors as possible

¹In the letter carried by Smith Travis says, "Col. J. B. Bonham * * * got in this morning at eleven o'clock." See Foote's *Texas and the Texans*, II, 220.—EDITOR QUARTERLY.

²Thrall's *History of Texas*, p. 242.

within a given space, they could scarcely have crowded more into a paragraph of the same length. The statement referred to was not published in 1860, nor by a Mr. Rose. The man who declined "to enter the ranks" (that is, to cross the line) did not wait till that night to make his escape. That statement did not mention a ditch. And Mexican soldiers had, more than once, "approached within rifle-shot" of the fort, and nearer than that. Rose was the author of that statement, which he made orally, but not its writer or publisher; moreover, it was not written till 1871, and it was first published in Richardson's *Texas Almanac* for 1873.

But Mr. Thrall is responsible for only the first three errors, to wit: those relative to the date and publisher of the statement and the time of the man's escape. These are comparatively unimportant.

The last three errors are between brackets, showing that, without authority from Mr. Thrall, they are interpolated by the publisher or printer. They are the assertion that Rose's statement "is incredible"; the allusion to a ditch; and the assumption that "no Mexican had then approached within rifle-shot." It is fortunate for Mr. Thrall that the authors of these eccentricities relieved him of the responsibility for them, by inserting them between brackets.

Mr. Thrall himself, in effect, gave full credit to Rose's statement, as is evidenced by a passage in his biography of Col. James Bowie, the facts of which he could have obtained from no other source than Rose's statement, as first published by me. In it he says:

"During the siege, when Travis demanded that all who were willing to die with him defending the place should rally under a flag by his side, every man but one promptly took his place, and Bowie, who was sick in bed, had his cot carried to the designated spot."¹

But even here is an instance of our historian's too great reliance upon his memory, though the mistake is in a mere want of precision. Travis requested all his comrades who would stay with him and die fighting not to "rally under a flag by his side," but to step across a line which he had drawn with his sword.

It may be thought that, under such excitement as Rose must

¹Thrall's *History of Texas*, p. 506.

have suffered before leaving the Alamo, his memory must have been blunted. On other subjects, it may have been blunted; but, as to the substance of Travis's speech, which he afterwards repeated in his manner, the excitement only sharpened his memory. That speech was a sudden revelation to him, and every idea expressed thereby sank deep into his soul and stamped its impression there.

With the explanations already given, it does seem to me that, without further comment, every item in Rose's narrative ought to be accepted as quite reasonable and credible; but, as some persons seem determined to discredit it, and I know not what points may yet be assailed, I prefer to subject it to a severe sifting.

Rose was in the Alamo a short time before it fell. While the mass of his contemporaries lived, this was acknowledged even by those who affected to discredit the rest of his statement, and none but two unnamed tramps are known to have asserted otherwise. In evidence of this fact, and of the consequent inference that he was one of the men who perished in that fort, his name was on the first partial list of those heroes, including only seventeen, which was published soon after the fall of the Alamo, in the *Telegraph and Texas Register*, at San Felipe. It was also on the more extensive list in Richardson's *Texas Almanac* for 1860, on page 82; and it has been further recognized by the inscription of his name on two Alamo monuments, one of which yet stands; that is, the one in the porch of the old capitol at Austin, which was destroyed by fire in 1881, and the present one in front of the new capitol. In the three lists first mentioned, the Christian name is omitted. The two printed lists named him as "—— Rose, Texas," that is, of Texas; and on the destroyed monument it was simply "—— Rose." Yet, no one who knew the author of the narrative under consideration doubted that he was the man referred to, and I am sure that he was the only Rose in the Alamo. On the new monument now standing, the name is inscribed "Rose, J. M.," for J. M. Rose. It is on the fourth pillar, the first name after that of David Crockett.¹ I understood his name to be Moses Rose; but by whom or why the "J" is now prefixed is unknown to me. I know that he was generally understood to be in the Alamo when last heard of before its fall. However, he was not one of the heroes who died

¹See Scarff's *A Comprehensive History of Texas*, Vol. I, p. 710.

in defense of that fortress, and his name ought to be erased from the monument.

Colonel Travis was known to be an apt extemporaneous speaker; and I judge that all who knew him believed that, if any man could, under the trying circumstances, deliver such a speech as Rose affirmed that he delivered in the Alamo on March 3d, 1836, Travis was the man. I do not doubt that, to one unaware of the known facts, it would seem a high pitch of absurdity to believe that, under such circumstances, any man could deliver such a speech. Yet it would seem more absurd to believe that one hundred and eighty men would stay in a fort, and die fighting in its defense, rather than surrender or retreat; yet more absurd that they would die without first mutually pledging their honor to do so; and equally absurd that any orator could, by a speech, induce them so to pledge themselves. But it would be far more absurd to believe that they would make this pledge without being induced to do so by such a speech. Nevertheless, we know that, whether such an appeal was made to them or not, and whether they so pledged themselves or not, they did stay, fight, and die. Knowing this, we must pronounce Rose's account of that speech and of that mutual pledge reasonable and credible.

Is it incredible that, when all the other men in that little garrison covenanted to stay there and fight to the death, Rose alone declined to do so, and resolved on an attempt to escape? I believe that a majority of men will admit that, if similarly situated, they might do as Rose professes to have done. Is it incredible that, to disencumber himself for descending from the top of the wall on the outside, he threw down his wallet of clothes, which fell into a puddle of blood, part of which adhered to some of his garments, and on drying glued them together? My mother saw her black servant-girl, Maria, take those garments out of the wallet and find them so glued. On leaving the fort, he did not attempt to go east through the Mexican army, by which he would have been killed or captured, but went west, through San Antonio; then south, down the San Antonio river, about three miles; then east, through the open prairie, to the Guadalupe river, carefully avoiding roads after leaving San Antonio, from fear of encountering Mexican scouts. Is this incredible? Any prudent man would have traveled the same route. Is it incredible that he saw no person in San

Antonio; but, so far as he saw, all doors in the town were closed? The danger of the time was sufficient to cause the people of the town to keep themselves shut up in their houses. Is it incredible that, after leaving San Antonio, he saw no person till after crossing the Colorado, and only one family at home between the Colorado and the Brazos? His road down the San Antonio river did not then lead by any residence; nor did it till more than six years later. There were then no residences between San Antonio and the Guadalupe excepting a few ranches on the Cibolo, and avoiding roads he passed between these. All families on the Guadalupe had left on the "Runaway Scrape" excepting those of De Leon's Colony, which was below his route, and the people of Gonzales, which was above it.¹ After resting three days on the Guadalupe, and proceeding slowly, on account of his lameness, to the Colorado, he arrived at that river after nearly all the people between it and the Brazos had left home; and only one family remained on his route between those two rivers. I could name that family; but, for personal reasons, I prefer not to do so unless it shall become necessary. Is it incredible that, in his haste to get away from danger, he traveled all the first night out, but was bewildered and made but little progress? Is it incredible that, in his attempt to travel during that night, his legs were gored by hundreds of the large cactus thorns which abound in that region? Is it incredible that he did not take leisure to relieve himself of them till they had worked so deep into his flesh that he could not bear the pain of drawing them out? My parents drew those thorns from his legs with nippers. Is it incredible that he crossed rivers by rolling seasoned logs into the streams, seating himself upon them, and paddling across with his hands? Other men who could not swim have done so, and why not he? Is it incredible that, after traveling two days without food and being hungry, sore, lame, and weary, he rested three days at an abandoned house at which he found plenty of provisions? Is it incredible that he rested during some time with the only family that he found at home west of the Brazos? Is it incredible that two unknown men, professing to live in Nacogdoches, spent a night with that family, and, when about

¹Our little army was then meeting at Gonzales, and for the time protecting that town.

to leave, drew the landlord out where Rose could not hear them and told him that they knew Rose to be an impostor, who had never seen the Alamo, and advised him to send him away immediately? The landlord told many persons that they did so. It is not incredible that honorable men residing at Nacogdoches would then be traveling in that abandoned region, from which the Texas army was retreating, and to which the Mexican army was advancing. Had their purpose been, as they professed, to confer a favor upon the landlord, they would have tendered their advice in Rose's presence. What could they have intended? The only conceivable object was to gain the landlord's favor, and thereby to save their bill for accommodations. Is it incredible that the landlord did as those tramps advised him to do? It is surprising, yet true. He, as well as Rose, said that he did so; and he said so boastingly to many persons. Is it incredible that a man of very tender sensibility was so wounded and discouraged by such treatment that he resolved never again to say that he had been in the Alamo? Such a resolve was foolish, and injurious to himself, yet he said that he had made it, and I believe that generally he had stood to it. Is it not most probable that his subsequent reticence on this subject was what prevented his statement from being inserted in the early histories of Texas? Is it incredible that, his rash resolve notwithstanding, when he found friends who had seen his name on a partial list of the heroes of the Alamo, who believed his report, and who kindly ministered to his affliction, he, at their request, narrated to them his escape and journey to their residence? Finally, is it incredible that, yielding to their importunities, he repeated his story to them till they knew it by heart?

Now, I have directed attention to about all the notable items of Rose's narrative. And when they are compared, which one of them is absurd or incredible? To my mind, every statement therein is reasonable and credible; yet to some minds his story may seem too much like truth to be accepted as such.

My writing down of Rose's narrative was incidental to a more important purpose, which was to preserve the substance of Colonel Travis's speech to his fellow-heroes of the Alamo, on March 3d, 1836. Rose's disconnected recitals of that speech, my mother's repetition of them to me, and my many rewritings of the same, by which I compiled the disconnected parts into a connected dis-

course, all are explained in my account of the adventures of Rose, in the revised edition of Mrs. Pennybacker's *History of Texas for Schools*, pp. 183-188, especially pp. 187-188. The speech itself, as compiled by me, fills a foot-note in the same book, pp. 139-140. The first issue of the revised edition contains one misprint, p. 139, which has been corrected in subsequent issues. It represents Travis as saying that the enemy outnumbered the defenders "two to one." The correction is "twenty to one."

Now, I think I have fully explained this affair; and what is the conclusion? One of two hypotheses is evidently a fact. Rose's statement is either true or false. If it be false, who fabricated it? The guilt would rest upon one of three persons; that is, upon Rose, upon my mother, or upon myself. Rose, being illiterate, could not possibly have manufactured what is represented to be Travis's speech. I do not believe that my mother could have done so, if she would; and I am sure that she would not. I do not know that I could have done so, if I would, and I would not have perpetrated such a fraud,—to save my own life. My sole purpose was to perpetuate the memory of what I knew to be of great historical importance; that is, the substance of Colonel Travis's speech to his comrades in the Alamo, and to show how I learned it. If I have succeeded, I have done well; and, if I have failed, I enjoy the consolation of knowing that my failure is in a just and truthful cause. If the present generation and posterity refuse to do me justice, God will award it to me in the day of final account. But I am not distressingly anxious for what the world may say about my veracity, for I believe that my reputation as a truthful man is well established; and, even should I be mistaken on this point, I have a clear conscience, and this is better than all things else on earth.

REMINISCENCES OF CAPT. JESSE BURNAM.¹

I was born in Kentucky, Madison county, September 15th, 1792, being the youngest son of seven. My father died when I was quite young, and my mother moved to Tennessee in my sixteenth year, and settled in Red Fork County, near Shelbyville. We were very poor.

In my twentieth year, I married an orphan girl, named Temperance. I was still poor. I made rails for a jack-leg blacksmith, and had him to make me three knives and forks, and I put handles to them. My wife sold the stockings she was married in—made by her own hands—for a set of plates, and spun and wove cloth for sheets and tick for feathers. I traded for a small piece of land, and then we were ready for housekeeping. We used gourds for cups.

In my twenty-second year, I went into the war of 1812. John Hutcheson was my captain, and Col. John Coffee commanded the brigade. During this campaign I contracted a disease, and the physicians advised me to seek a warmer climate.

I started with nine families besides my own, and settled on Red River, at Pecan Point. From there I went to the interior of Texas, stopping for a few months where Independence now is. I had three horses, and brought what I could on them, my wife bringing her spinning wheel, and weaving apparatus.

We got out of bread before we stopped. Being too feeble to hunt, I employed an old man to keep me in meat. I had fixed up a camp, so that my family could be comfortable. My man failed to kill a deer, and we were out of food for two days. At last I heard one of my children say, "I am so hungry." I had been lying there hoping to hear the old man's gun. I was too feeble to hunt, but I got up and began to fix my gun slowly. I listened all the

¹This sketch is contributed by Mrs. Julia Lee Sinks, who obtained it from Captain Burnam's daughter, Miss Sada Burnam. Miss Burnam acted as her father's amanuensis after he became blind. Captain Burnam appears to have signed his name as it is given here, but it is more frequently spelled Burnham.—EDITOR QUARTERLY.

time for the old man's gun. I didn't feel as though I could walk, but I started on my first hunt. I had not gone far when I saw two deer, a fawn and its mother. I shot the fawn first, knowing the doe would not run far, then I shot and killed her. "Oh ho!" said I, "two deer in one day, and my first hunt!" I took the fawn to camp to my hungry children, and took William, my oldest boy, and a horse after the doe. My wife had dressed a skin and made William a shirt, but it lacked one sleeve, so she dressed the fawn skin that day and made the other sleeve.

It was while camped at Independence that I saw my first Indian. I went out to kill a deer and had killed one and was butchering it, when an Indian came up and wanted to take it from me. I would not let him have it, but got it on my back the best I could and started for camp. The Indian began to yell, I suppose for help, but I would have died rather than give the deer up. I thought if there was only one I would put my knife in him and save my gun for another. I walked along as fast as I could, he pulling at the deer and making signs that he wanted it on his back. I could not put it down to rest, so I walked into a gully and rested it on a bank, the Indian all the time making frightful threats and grimaces. Oh, but I was mad! When I got to camp it was full of Indians, and every one had been dividing meat with them. I told them I would not give them a piece to save my life, and that if that Indian came about me I'd kill him.

I stayed in that camp four or five months, and then moved down on the Colorado to what is now the John Holman plantation. It was the league that Austin had surveyed for me, my name being the thirteenth on the list of Austin's colony. All the colony had moved further down, so it was the highest upon the river of any of the settlements, and most exposed to Indians. All my neighbors moved down for protection, and at last I had to go, but did not stay long. I went back and built me a block house to fight from. It was at this place I had my trouble with the Indians in recovering the horses they tried to carry off.¹

We were still out of bread, and it had been nine months since we had seen any. A man from lower down the country came up and told me that he had corn that he had planted with a stick.

¹See the account, pp. 15-17.

There were no hoes nor plows in the Colony. I gave him a horse for twenty bushels and went sixty miles after it with two horses, and brought eight bushels back. I walked and led my horse. I had prepared a mortar before I left home to beat it in, and a sieve made of deer skin stretched over a hoop and with holes punched in it. I had always young men about me for protection, and they would generally beat the corn. Then we would have to be very saving, of course, and were allowed only one piece of bread around.

During the time I was without bread, a man stayed all night with us who had just come to the country. He had some crackers and gave the children some. My son took his out in the yard, made him a little wagon and used the crackers for wheels.

Our honey we kept in a deer skin, for we had no jars, jugs, nor cans. I would take the skin off a deer whole, except having to cut it around the neck and legs, and would tie the holes up very tight. Then I would hang it up by the fore legs, and we had quite a nice can, which we always kept pretty well filled.

About this time my oldest daughter's dresses were worn out before we could get any cotton to spin, and she wore a dress of dressed buckskin. I never wore a deer skin shirt, though there were many that did. I had pants and a hunting shirt made of deer skin. My wife colored the skin brown and fringed the hunting shirt, and it was considered the nicest suit in the Colony.

At one time while in the camp at Independence, I had but six loads of powder. A traveler stopped at my camp, and I asked him if he had any. He said he had. I had a Mexican dollar that Colonel Groce gave to one of the children for dried buffalo meat. He asked me if I would sell him some. I told him no, but he could take as much as he wanted. But, not wishing to accept in that way, he gave one of the children the dollar. I gave it to the traveler and told him to give me as much as he could, for I was nearly out and did not know where to get any. He asked for a teacup and filled it about two-thirds full. At one time I had twelve loads and killed eleven deer with them.

You ask me to tell you about taking the man's leg off.¹ I was living on the Colorado at that time. His name was Parker, and he lived on the opposite side of the river. His leg was terribly

¹This was doubtless the question of Mr. Burnam's daughter.

diseased, and he begged us to cut it off two months before we consented. One day he sent for me. I went over, and he took hold of my hand with both his and said, "Oh, have you come to take my leg off?" I said "Yes, I have come to do anything you want me to do." "That is right," he said. "If I die I don't want to take it with me." So Tom Williams, Kuykendall, Bostick, and I undertook the job with a dull saw and shoe knife, the only tools we had. I heated and bent a needle to take up the arteries with. I was to have the management of it and hold the flesh back, Tom Williams was to do the cutting of the flesh, Bostick to saw the bone, and Kuykendall to do the sewing. I took his suspenders off and bandaged the leg just above where we wanted to cut. I put a hair rope over the bandage, put a stick in it, and twisted it just as long as I could; then I was ready to begin operations. When Mr. Kuykendall began to sew it he trembled, so I took the needle and finished it. Parker rested easy for several days; but the third day he complained of his heel hurting on the other leg, and the eleventh day he died.¹

The first fight we had with the Indians was at Skull Creek. We were commanded by Bob Kuykendall, who had eighteen men in the fight. We killed fourteen Indians and wounded seven, who afterwards went and complained to the general government. We lost not a man. I killed one and wounded two.²

I served as lieutenant under Kuykendall, and after two or three months took his place as captain.

The next fight with the Indians I had was in the recovery of

¹I presume this to be the only surgical report on record for the early days. It is certainly very unique.—J. L. S.

²I subjoin a short account of the Skull Creek fight, given me by Col. John H. Moore.—J. L. S.

"A short time before the fight with the Carankawaes, three men came over the raft from Matagorda, having their boat there in waiting to carry their purchases up the river. Their names were Alley, Loy, and Clark. They were attacked not far from the mouth of Skull creek. Alley and Loy were killed, but Clark, having concealed himself in the cane brake, escaped. The evening previous to the fight a man by the name of Robert Brotherton had been wounded in the back by the Indians, which was the immediate cause of pursuit. A man by the name of Strickland and I went out as scouts to find their whereabouts. My ear first caught a sound that was rather unusual. 'Stop Strickland,' said I after listening, but he remarked

some horses at what is now known as the John Holman plantation, where I first settled on the Colorado. There were seven families living above, who were compelled to move further down into the settlements. They were stopping with me, and the horses belonged principally to them. The Indians had been concealed in the bottom waiting for an opportunity to steal horses. One morning at daylight, three Indians were seen driving horses by a man living with me. They were aiming for the head of the prairie on Williams's Creek. He ran in and gave the alarm, before I was out of bed. I had William, my oldest son, to saddle my horse, which I always kept secure, while I got ready. My horse was very fast, and he was the only one left. I mounted him, taking a pair of holster pistols and a rifle. The Indians were in sight when I started, and they were three-quarters of a mile from the house when I overtook them, in plain view of my family and those who were camped there at the

that it was only the thumping of wild turkeys. 'No,' said I, 'it is the beating of bamboo root for bread.' Still Strickland adhered to his first opinion; but when a child cried he believed me then.

"At once we returned to our company, which was commanded by Mr. Kuykendall and numbered about twenty-two men. We made our way to the bottom, got between the creek and the Indians, and surprised them, driving them out into the prairie. Twenty-three were left dead, without the loss of any of the whites. Clark heard the firing and afterwards, wounded as he was, made his way to our camp. [Yoakum and John Henry Brown both write the name Brotherton as given above; but the carefully ascertained list of the Old Three Hundred as given by Professor Bugbee, QUARTERLY, I, 110 ff., contains the name Robert Brotherington, who was no doubt the same person. The form given by Professor Bugbee must be correct, since it was copied from the signature of the man himself.—EDITOR QUARTERLY.]

"The Carankawaes were a tribe of large, sluggish Indians, who fed mostly on fish and alligators, and occasionally, by way of feast, on human flesh. They went always without moccasins, striding through briars unharmed, making such tracks as would hardly be attributable to a human being. Each man was required to have a bow the length of himself. The fight was an entire surprise. We all felt it was an act of justice and of self-preservation. We were too weak to furnish food for Carankawaes, and had to be let alone to get bread for ourselves. Ungainly and repugnant, their cannibalism being beyond question, they were obnoxious to the whites, whose patience resisted with difficulty their frequent attacks upon the scanty population of the colonies, and when it passed endurance they went to their chastisement with alacrity.

"This was the first fight with the Indians in Austin's colony."

time. I ran up within forty yards of them, dismounted, and attempted to fire on them; but they jumped about so that it was impossible to get a true shot at them, still driving the horses before them. I again mounted and pursued them.

By this time the Indians that had remained in the bottom joined them, making twelve in number. Seeing my only resort was to stampede the horses, I made a charge, yelling and shooting at the same time. The Indians stopped and prepared for me, thinking I would run through them, as the Mexicans always did. Attention being drawn from the horses, they turned towards home, as I expected. No sooner was this done than I charged in between them and the Indians. They fired one gun and a number of arrows, but none hit me. I succeeded in recapturing the horses, eight in number.

In 1824, I was informed by Captain White, an old trader who ran a small vessel, that there were Indians at the mouth of the Colorado river. He lived at La Bahia, and had started from there, and embarked at Port Lavaca in his little boat loaded with salt to trade for corn. He steered up the Colorado to what is called the Old Landing, two miles from the mouth. The Carankawaes were camped there, and they requested him to stop on his return with corn, as they wanted to trade with him. After landing he left a Mexican and a little boy in charge of his boat. He went up Peach Creek to the Kincheloe settlement in search of corn. There he told of the Indians' being at the mouth of the river. These Indians were hostile to the whites. The settlers sent a runner to me, sixty miles above. I received the news as I was on my way to the field to plow. Taking my harness off and putting my saddle on, I was ready in about a half hour. Having but two neighbors near me I left them, and went to Judge Cummings', fifteen miles below on my route. From this settlement I took half the men, which was seven, leaving the others to watch the Wacoes. I always left half the men at home for protection. I then went to the Kincheloe settlement, and took five from there, which made my number twelve. White in the meantime had exchanged his salt for corn, the corn to be delivered and the salt to be received at the boat. So we started on our march with a sack of corn apiece on our horses, having sixty miles to go. We camped after leaving Kincheloe's at Jennings' camp, where Captain Rawls joined me with twelve

men. He had gone to the assistance of Captain Jones on the Brazos. On his return to Kincheloe's settlement he heard that I had left there with only twelve men. He never unsaddled, but came on and overtook me at the place mentioned.

Next morning I started, expecting to go to where White had landed that night. Knowing I would be seen in the daylight, I waited in the postoaks until dark, then marched on, traveling twenty miles to reach the landing. We were very sleepy and tired, after traveling one hundred and twenty miles.

White was to inform the Indians of his return by making a camp-fire, a signal used by them. He gave the signal just at daylight. I left twelve of my men at the boat, for fear the Indians might come in a different direction, while I took the other half and went afoot down the river, to the Indians' landing place, about a hundred yards below where White had landed to wait for them.

About half an hour by sun the Indians came rowing up the river, very slowly and cautiously as though they expected some danger. The river banks were low, but with sufficient brush to conceal us.

Just as they were landing, I fired on them, which was intended as a signal for my men to fire. My signal shot killed one Indian, and in less than five minutes we had killed eight. The other two swam off with the canoe, which they kept between them and us; but finally one of them received a mortal wound from one of my men named Eray,¹ who took rest on my shoulder while I took hold of a bush to steady myself, and as one of the Indians raised his head to guide the canoe he received the shot. I returned home without the loss of a man.

White wanted to go down the river, so I sent some of my men with him for fear he would be molested by the remainder of the Indians. Three men went with him until they thought him out of danger, and then came back. He was taken after they left him, but through the entreaties of the Mexicans who were with him, he was turned loose.²

¹This name follows the copy in the handwriting of Mrs. Sinks. Perhaps it should be Gray. There was a Gray, but no "Eray" in the Old Three Hundred.—EDITOR QUARTERLY.

²See Yoakum's *History of Texas*, I, 225-6, for an account of this affair which gives it clearer justification.—EDITOR QUARTERLY.

CAPT. JOSEPH DANIELS.

ADELE B. LOOSCAN,

HISTORIAN, DAUGHTERS OF THE REPUBLIC OF TEXAS.

The following is a brief sketch of the life of one whose best years were spent at the capitals of Texas, and whose distinguished service as a military man was equaled by his efficiency in the civil service of the Republic of Texas.

Joseph Daniels was born in Boston, Massachusetts, July 26th, 1809. He went to New Orleans, Louisiana, in 1830, and there raised the first military company made up wholly of Americans ever organized in the city. It was called the Louisiana Greys, and he was its first lieutenant, a man named Brush being captain.

When, after the battle of San Jacinto, General Sam Houston, wounded, went to New Orleans, Lieutenant Daniels was detailed to go with his company to meet the general, and escort him to the city. This was the first meeting of the two men, whose acquaintance cemented into the warm friendship which lasted with their lives. The admiration which young Daniels felt for General Houston induced him to follow him to Texas, which he did in 1837, settling first at Houston, then the capital of the Republic.

On the 9th of November, 1838, he was appointed captain of the Milam Guards. His commission was signed by Sam Houston, President, and Geo. W. Hockley, Secretary of War. He remained for two years in Houston, and then, becoming attached to the service of the government of the Republic (holding various positions—chief clerk of the General Land Office under Col. Thos. Wm. Ward at one time, and at another acting postmaster general), he removed his residence with the seats of government to Austin, to Washington-on-the-Brazos, and thence to Austin again.

While in the latter city he became captain of the Travis Guards, and was also appointed aid-de-camp to the executive with the rank of colonel of cavalry, his commission being signed by Sam Houston, President, and Wm. C. Hamilton, Acting Secretary of War, December 5th, 1844.

In June, 1846, Captain Daniels was appointed assistant quarter-

master U. S. A., with rank of captain on the staff of Gen. John A. Quitman. He served as aid to that general in the battles of San Augustine, Coyoacan Batteries, Chapultepec, and Mexico, and was brevetted for gallant and meritorious conduct in the battles of Contreras and Cherubusco.

August 28th, 1847, General Quitman's division was the first to enter the City of Mexico after its capture, and as the quartermaster Major Daniels made all the public seizures, some of which were of great value. He resigned at the close of the war and went to San Francisco, California, where he died May 25th, 1886, at the age of 76 years and 10 months.

Major Daniels left a widow and two children, having been married October, 1839, to Ann Van Versel, of New Orleans, Louisiana. The marriage took place in Houston, Texas, where the only surviving daughter, Josephine F., was born. Three other children died in infancy, and Sam Houston, named after his father's old friend, was born after the removal to California.

The family history of Major Daniels is mingled with the beginnings of colonial independence in New England, and the strong Southern character of his wife, together with their long residence in Louisiana and Texas made them and their family representative of the best of the old South, forming a part of a circle of California society at once distinctive and distinguished.

The son and daughter maintain a deep reverence and love for the old ideals bequeathed to them. Josephine F. Daniels has been a member of the Daughters of the Republic of Texas from the first year of the society's organization, always testifying her zeal in the furtherance of objects for which the association was formed. Sam Houston Daniels has long held a highly responsible position in the Bank of California. A business man of the first ability, he takes an active interest in all questions of public importance, and is a member of the patriotic associations, "Sons of Pioneers" and "Sons of the Golden West," who commemorate the lives and services of the California pioneers and important events of the history of the State.

Among the papers of Major Daniels were found a number of army orders issued to him while captain of the Milam Guards, which illustrate the nature of the service of this company in times

of danger from Indians. On November 9th, 1838, Mr. Daniels received his commission as captain of the company he had organized and drilled. In the *Telegraph and Texas Register* of October 27th, 1838, is the following notice:

"The President arrived in the city on Monday last. He was escorted into the city by the Milam Guards. Their commander, Capt. Daniels, has gained much credit for his untiring exertions in behalf of the company, and is reputed one of the best drill officers in the country."

The following orders show that the company was immediately called into service, and they also help to throw light on its movements:

ORDNANCE DEPT.,
HOUSTON, 14th Nov., 1838.

To Capt. Daniels.

SIR: You are hereby authorized to take possession of any public arms you may find in the hands of the citizens of this place.

ROBT. OLMER,
Capt. of Ord'ee.

HEADQUARTERS NEAR McCURLEY'S,
Nov. 29th, 1838.

(By express.)

To Capt. Joseph Daniels, Commanding Milam Guards.

SIR: By order of Gen. Baker I am directed to rendezvous on the Little Brazos at the house of Jesse Webb, 20 miles above Nashville. You will repair to that post with all possible diligence. It is unnecessary to urge dispatch to a soldier.

You will pass through a country infested with small bands of Indians, and it will be necessary to use every precaution to prevent them from stealing horses.

By order of GEO. W. BONNELL,
Major Commanding.

HEADQUARTERS,
NACOGDOCHES, Dec. 2d, 1838.

Capt. Joseph Daniels.

SIR: You will march the Milam Guards to Fort Houston¹ and take command of that post, where you will be joined by the company under the command of Capt. Box. Immediately after your arrival at Fort Houston you will send out spies and ascertain where the enemy is, and if not found in numbers over one hundred you will give them battle. You will use the greatest precaution in the event the enemy is to be found to collect all the force you can. You will, if it is found necessary, order Capt. Worthem's company to join.

Yours respectfully,

K. H. DOUGLASS,
Brig. Gen'l 3rd Brigade, T. M.

P. S.—You will draw from Fort Luz Beef to last 100 men 20 days.

K. H. D.

Brigade Order.

HOUSTON, Jany. 8th, 1839.

To Capt. Joseph Daniels of the Milam Guards.

SIR: With the company under your command you will march forthwith to the Falls of the Brazos² and there station yourself, for the purpose of giving protection to the frontier against Indian depredations.

You will daily send out flankers to the right and left of your position for the purpose of discovery, and you will exercise all the diligence and vigilance which a soldier's pride should always call forth, and which I am sure you will not be wanting in.

You will be as economical as possible, and not consume more of the provisions of that section of the country than necessity shall imperiously require.

You will report as often as convenient your progress in the object contemplated. The destiny of upper Brazos is in a measure committed to the custody of the Milam Guards, and I am sure they

¹Fort Houston was near where Palestine is located, at present the home of Judge John H. Reagan.

²The present site of Waco.

will return from the discharge of that duty with the gratitude of the people as their reward.

Your Obdt.,

MOSELEY BAKER,

Gen. 2nd Brigade.

A. M. TOMKINS,
Aid.

CAMP ARNOLD, BANKS OF THE NAVASOTA,

January 14th, 1839.

To Capt. J. Daniels of the Milam Guard.

SIR: In compliance with an order from you of this date to summon twelve of the Milam Guards to act as jurors in investigating the circumstances attending the death of our unfortunate friend and brother soldier, Sergeant Robt. Hamet Breedin, I have the honor to report that I have performed said duty by appointing John Chenoweth, O'Neill, Wm. G. Evans, Lewis Way, Lyman Tarbox, Best, James Duncan, Lee, Joseph Wells, Thomas Waters, Joseph Little and Jno. E. Jones said jury, and by submitting the following evidence elicited at the inquest, together with the verdict rendered in accordance therewith.

Very respectfully, yr. obt. serv't,

JOS. C. ELDREDGE,

1st Sergeant Milam Guards.

JURY ROOM, Jan. 14th, 1839.

A jury having been empaneled and duly sworn by Capt. Jos. Daniels of the Milam Guards for the purpose of ascertaining the manner and circumstances attending the death of Sergt. R. Hamet Breedin proceeded to the examination of the following witnesses:

Wm. T. Carter being duly sworn, testified as follows: "I, together with Patrick D. Cunningham, was in charge of the pack-mules, and at the time of the accident was in advance of the company, and had stopped at the roadside to let our horses graze and to light a pipe. We dismounted, and I asked Mr. Cunningham twice if his gun was loaded; he replied that it was not. He then laid his rifle in the hollow of his right arm, and primed it. I had a piece of rag rubbed with powder in my hand ready to light. I was facing Mr. Cunningham with my back to the road when the explosion took place. I turned around and saw Sergt. Breedin in the

act of falling from his horse. I ran up and caught him in my arms, and called him twice by his name, but he did not speak. His face was from me, so that I could not see whether he made an attempt to do so. I laid him on the ground, and in less than five minutes he was dead. I heard no words pass between Sergt. Breedin and Mr. Cunningham; had halted about ten minutes when Sergt. B. rode up. He had his back toward us, about fifteen paces distant, and I deem his death to have been purely accidental."

Battinger being called and duly sworn, testified as follows: "Sergt. Beedin, Carter, Cunningham and myself were somewhat in advance of the company. Carter and Cunningham dismounted. I was perhaps sixty yards distant, and heard them speaking of making a fire, but not Breedin. Heard Carter ask Cunningham if his gun was loaded. I did not hear Cunningham reply or pass a word with Sergt. Breedin. Immediately after I heard the explosion I turned and saw Carter catch Breedin as he was falling from his horse in his arms and laid him on the ground. I then ran up and found him dead. I did not hear him speak a word."

Patrick D. Cunningham, being called, stated as follows: "I was in advance of the company driving the pack-mules; stopped with Carter to light a pipe. Carter asked me if my rifle was loaded. I told him no; had forgotten at the time that it was loaded, but since recollect that I fired it off last evening and loaded it again this morning to shoot some game, but before I had primed it the game flew, and I was ordered to assist in packing mules, laid down my rifle and so forgot about its being loaded. Sergeant Breedin rode up a few minutes before the rifle went off. I was holding it in the hollow of my left arm, having just primed, snapped it for the purpose of lighting a rag held by Mr. Carter, when it went off, and I saw Sergt. Breedin falling from his horse. I never had an angry word or dispute with Sergt. Breedin."

The foregoing is the evidence given before the jury at an inquest held on the body of Sergeant R. H. Breedin this day.

(Signed) JOHN CHENOWETH,

JOS. C. ELDRIDGE,
Clerk.

Foreman.

We, the jury, find that Sergeant Robert Hamet Breedin, of the

Milam Guards, came to his death by the accidental discharge of a rifle in the hands of Patrick D. Cunningham.

JOHN CHENOWETH,
Foreman.

By the 21st of February, 1839, the Milam Guards seem to have been again in Houston, as shown by the following receipt:

HOUSTON, Feby. the 21st, 1839.

Rec'd of J. W. White, Lieut. of the Milam Guards, sixteen Public Horses and two Mules in Low order, also six Saddles and Bridels and Two Blankets.

P. CALDWELL,
Q. Master.

On February 24th, of the same year, Captain Daniels received the following:

HOUSTON, TEXAS, February 24th, 1839.

To Joseph Daniels, Esq.

SIR: You are hereby appointed a captain in the first regiment of infantry in the Texian army, and will receive your Commission as soon as the same is ratified by the Senate at their next Session. In the meantime you will discharge faithfully the duties devolving on you as such, and will be obeyed and respected accordingly.

By Order of the President, Mirabeau B. Lamar.

Your obedient Servant,

A. SIDNEY JOHNSTON,
Secretary of War.

The last document in my possession relating to the Milam Guards in connection with Captain Daniels is as follows:

Capt. Daniels of the Milam Guards will deliver to the order of Capt. Holliday twenty muskets belonging to the government.

GEO. W. HOCKLEY,
Col. Ord.

Ord'n Department, 7th October, 1839.

On December 19, 1839, the *Morning Star*, a newspaper published at Houston, Texas, mentions that the Milam Guards are

petitioning Congress for an act of incorporation, and says: "We trust their prayers may be granted. When the fierce savages of the East threatened death and ruin to the frontier settlers, they marched with promptitude to the rescue. Congress should encourage the organization of volunteer forces. * * * To Capt. Daniels and his brave comrades we wish success in their efforts."

When Capt. Daniels entered the service of the government and removed from Houston, James Reilly became captain of the Milam Guards.

The following papers relate to Capt. Daniels's service as captain of the Travis Guards at Austin:

REPUBLIC OF TEXAS, {
County of Travis. }

By the authority of the Republic of Texas and the power vested in me as sheriff of said county, have this day summoned Captain Daniels to call out the Travis Guards to assist in arresting Castro and Flacco, chiefs of the Lappan tribe of Indians, and bring them before some justice of the peace to answer the charge of some of their tribe's having murdered one James Boyse on the 2nd inst.

A. C. MACFARLANE,
Sheriff T. C.

Austin, October 3rd, 1841.

Capt. D.

SIR: You will hold yourself in readiness until you hear from me, as I am going to see Castro and Flacco, and in case of any resistance I will send you a message, when you will proceed to the camp of the Indians, if not otherwise instructed.

Yours,

A. C. MACFARLANE.

Capt. J. Daniels, Travis Guards.

DR. SIR: You will much oblige me by letting the bearer have *five* of the short Roman swords belonging to your company for the use of the Masonic procession.

Yours truly,

GEORGE K. TEULAN,

Chairman Com. Arr.

Austin, June 23rd, 1841.

Besides the actual service in the field performed by these two companies whenever the needs of the country required, they were to the front in all leading social functions. The newspapers of the day publish notices of military balls given to celebrate the battle of San Jacinto, and the journal of the Milam Guards contains the following resolution regarding such a ball: "And be it further resolved, that said ball shall be strictly a military ball, and none others than heads of families, the officers of army and navy will be invited except by special invitation of the committee on invitation. Adopted April 16, 1839. Jos. C. Eldridge, Sec. pro tem."

THE ANNEXATION OF TEXAS AND THE MEXICAN WAR.

Z. T. FULMORE.

It is probable that no period in the history of the United States, with the possible exception of that embracing the Civil War and its immediate causes, has monopolized so large a share of the attention of history writers and others as the period between 1840 and 1850, the leading events of which were the annexation of Texas and the Mexican War. The men and events of no period have been more persistently maligned and more recklessly distorted. The poison that permeates the larger histories carries unmistakable evidences of the ignorance and prejudice that darkened the minds of the authors. The smaller histories, and especially school histories, which for the most part are compiled from the material furnished by the larger histories, have, unintentionally, no doubt, as a rule, selected out many fragments that are real Trojan horses, and baleful in making impressions upon the minds of the young. I have recently examined two Southern school histories, which bear many evidences of having been dressed up to suit the sectional sentiment supposed to predominate in the South, with several doses of this poison extracted along with other matter.

The very strained and elaborate efforts made in the political campaign of 1844 to blacken the reputation of the Texas pioneer and his work as a nation builder, as well as the libelous defamation of statesmen and citizens of the United States, who actively, yet legitimately and honorably, aided in so great a consummation as the annexation of Texas, it would seem ought to have been consigned to the museum of the history of partisanship in this country, but such is not the case. The newspaper, the pamphlet, the speech, the sermon, the vituperation, the billingsgate that appealed to the baser passions of men from 1840 to 1850, have been exalted to the plane of history, and such men as Jackson, Calhoun, Houston, Polk and other illustrious statesmen are gathered in a group with the Texas pioneer, and they are summed up as swindlers, robbers, liars, thieves, cowards, adventurers, slavocrats, "foul mouthed

tobacco-spurting Indian killers, demagogues and politicians hunting around to steal a slice of land suitable for slave labor."¹ This forceful, if not elegant, characterization is expurgated before it reaches the school room.

The main end at which all the labor of this class of historians is aimed is to show, in the first place, that the annexation of Texas to the United States was the culmination of a deliberate scheme to enlarge the area of slavery, and was therefore a measure purely in the interests of the slaveholder. To establish this they hold up the Texas pioneer as a mere instrument in the hands of the slaveholder to make Texas a slave colony, and say that when Texas became large enough to make a respectable show of a rebellion, the revolution against Mexico was precipitated, the slaveholder furnishing the men and means requisite to the success of that revolution. And the effort has been to show, in the second place, that the immediate cause of the war in 1846 was the unwarranted and unprovoked invasion of Mexican territory, which forced Mexico, in self-defense, to attack United States forces and thus become technically responsible for that war.²

A very wide range of facts is drawn upon to establish these propositions—facts selected out from a great mass and grouped so as to give plausibility to their theories. To reply in detail to these would consume more than two entire issues of *THE QUARTERLY*. In lieu thereof some general facts will be given, which will serve, in the main, as an answer to the whole.

As the annexation of Texas and its logical sequence, the acqui-

¹Bancroft's *Hist. of Mex.*, Vol. V., p. 307; Von Holst's *Const. and Pol. Hist. U. S.*, Vol. II, p. 512 *et seq.*

²The spirit of the partisan is nowhere more manifest than in the following: "The Texan army under Houston amounted to only eight hundred men [at San Jacinto] of whom it is said not more than fifty were citizens of Texas." Von Holst's *Constitutional Hist. U. S.*, Vol. II, p. 570. In support of this statement, Wise, of Virginia, is quoted in a foot note as saying "It was they [the people of the great valley of the Mississippi] that conquered Santa Anna at San Jacinto, and three-fourths of them after winning that glorious field had peaceably returned to their homes." To this is added, by Von Holst, "*in the United States.*" It is susceptible of almost positive proof that ninety-eight per cent. of those who fought at San Jacinto were already settled in Texas or remained in the Republic after the Revolution.

sition of territory to the Pacific, was the second great step in the history of territorial expansion, a glance at the history of expansion in general in the United States will afford some light upon the attitude assumed in some sections against the measure.

Sectional jealousy is coeval with the history of the country. In the original formation of the Union it manifested itself in various ways. The purchase of Louisiana in 1803, however, was the culmination, in the eyes of New England, of a series of outrages in that section which justified extreme measures. To meet the argument that the larger part of the acquisition would be in the northern section of the Union, they said, "This will be formed into new States, and the South will use them to govern the East, until growing in numbers themselves, will combine to rule both the South and East. Under either set of rulers, New England is doomed." Public meetings were held, resolutions adopted, and memorials prepared looking to the formation of a northern confederacy. New York was to be secured by the influence of Aaron Burr, who, as part of the scheme, became a candidate for governor of his State. His defeat, to take the lead in a similar scheme a year or two later, together with discouragements from the great mass of conservative citizens, put an end to the first effort at secession. The agitation, however, led to the preparation of a constitutional amendment restricting congressional representation of the Southern States to the actual number of the free white population. The proposition to submit it to the people passed the lower house by the aid of Southern votes, but failed to pass the Senate.¹

The fight on the Louisiana question, however, did not stop at this point. Every obstacle that partisan genius could invent was put in the way of establishing a territorial government over Louisiana. The same constitutional questions were raised by the Federalists of that day as are now raised by Democrats over our recent acquisitions, and the same answers made by the strict constructionists of that day as are now made by the loose constructionists.

Overcome at this point, the next opposition was to the admission of Louisiana as a State. Josiah Quincy, then representing Massachusetts in the United States Senate, and the leader of the opposition, again raised the secession flag, but the disadvantages of a

¹McMaster's *Hist. People U. S.*, Vol. III, p. 45 *et seq.*, and authorities.

minority and the overshadowing importance of the war with England soon relegated this opposition to the rear.⁴

In the negotiations which led to the treaty of 1819, although John Quincy Adams was the especial champion of the claim of the United States to Texas, New England opposition to the acquisition of Florida was so extreme that President Monroe and the slaveholding members of his cabinet, as a concession to New England feeling, forced Mr. Adams to give up, not only Texas, but over 60,000 square miles of what was confessedly a part of the Louisiana purchase, and therefore a part of United States territory, so that more area was lost than gained by the Florida purchase and treaty of 1819, irrespective of any claim which the United States had to Texas proper.²

Coming on down to the annexation of Texas, opposition arose from the same source, with John Quincy Adams, the former expansionist, in the lead. No invective was too strong, no vituperation too bitter, and no constitutional construction too strained for his opposition to the measure. Finding that the former efforts at secession were fruitless, Massachusetts now adopted the plan of South Carolina, and by legislative action solemnly nullified the acts of Congress, and unless recently repealed this nullification still stands as part of the law of Massachusetts.³

The present attitude of Ex-Governor Boutwell, Senator Hoar, and Edward Atkinson upon the matter of expansion is therefore historically and geographically consistent.

To determine the question as to whether the early movements made towards the peopling of Texas were due to the inspiration of the slave holder, we need only note one or two of the formative influences of that period.

Moses Austin, in whose mind the colonization of Texas originated, was a Connecticut man, born and educated in that State. He came to Virginia and remained several years, but never engaged in planting. In his mining operations he imported English laborers. Just before the expiration of President Washington's last

¹McMaster's *Hist. People U. S.*, loc. cit.

²Benton's *Thirty Years' View*, I, 15 et seq.

³Von Holst, Vol. II, p. 117.

term, he left Virginia and went to Missouri, and there engaged first in mining, then in banking. When Missouri reached the necessary stage of development to entitle her to admission as a State into the Union, Austin, true to the instincts of the pioneer, left and came to Texas. His son, Stephen F. Austin, who succeeded him in his colonizing enterprise, was, like many Southern men of that day, an avowed opponent of the institution of slavery. The promulgation of the Monroe doctrine in 1823 was a virtual guaranty of the autonomy of Mexico, and the relations between that country and the United States at that time were of the friendliest character. Many individual citizens of the United States had aided Mexico in her revolution, and the Monroe doctrine was an especial sign of the friendship of the Northern republic. The result was the enactment of liberal colonization laws in terms inviting population to her borders. In response to this, besides Austin, a number of empresarios entered into contracts to bring in settlers. Of these, Robertson, DeWitt, Edwards, Milam, Thorn, and Chambers were from the slave holding States, and Burnet and Vohlehn from the non-slave holding States; De Leon, Dominguez, Zavala, Filisola, and Padilla were Mexicans; Purnell, Drake, Exeter, Wilson, S. J. Wilson, and Beales were Englishmen; Cameron a Scotchman; and Powers, McMullen, and McGloin, Irishmen. The only empresarios who actually introduced permanent settlers into the State, besides Austin, were Robertson, De Witt, De Leon, Powers, and McMullen and McGloin. Those introduced into the colonies of the three first named constituted ninety per cent. of the population in 1835. Austin was a pioneer by inheritance and education. Robertson, though a native of North Carolina, was carried when a child to Tennessee by his father, who was the brother and partner of Gen. James Robertson, the founder of Nashville. De Witt was a native Kentuckian, but like Moses Austin, went to Missouri at an early day, and was a conspicuous factor in its development from a wilderness to a State. Austin's colonists were from all parts of the United States and the principal countries of Europe. As many as sixty families came to his colony at one time from the State of New York. The colonists of Robertson and De Witt were principally from Kentucky, Tennessee, and Missouri. As a rule, they were a race of pioneers, the boldest and most successful that had ever reclaimed any part of the great area of the United States. The

pioneers of the North who crossed the Alleghanies were not able to cope with the savage in Ohio until Mad Anthony Wayne planted the flag in advance of the outermost settlements. As he pushed on to Indiana and Michigan, Wm. Henry Harrison performed the same service, and later on, Zachary Taylor cleared the wilderness of Illinois and Wisconsin. In the Southeast the same policy had to be pursued by the government of the United States in driving back the Seminoles, Creeks, and others, but the westward stream that started out from Virginia and the Carolinas crossed the Alleghanies and unaided drove out the savages, reclaimed the fertile territory of Kentucky and Tennessee, demanded an outlet through the Mississippi, spurred Mr. Jefferson to purchase Louisiana, crossed the Mississippi, settled Missouri and Arkansas and started them on their career as States in the Union, and from 1822 to 1836 struggled and fought in Texas against the greatest odds of any pioneer population in the history of the country.

This was the predominant element that gradually coalesced with kindred spirits from all climes and laid the political foundations of Texas. In the organization of the first government, David G. Burnet, a New Jersey man, was president, and Lorenzo De Zavala, of Mexico, vice-president. Maine gave Ebenezer Allen, the second attorney general, and Timothy Pilsbury, one of the first representatives both in the Texas and the United States Congress. From New Hampshire came Joshua Fletcher, first treasurer of the provisional government; from Vermont, Ira Ingram, first speaker of the Texas Congress, and Royal T. Wheeler, one of the first justices of the supreme court; from Massachusetts, Anson Jones, third president, and Asa Brigham, first treasurer of the Republic; from Connecticut, besides the Austins, Eliphalet M. Pease, comptroller, member of the legislature and governor, and Ashbel Smith, minister to Great Britain and France; from New York, Gail Borden, member of the Consultation, Jno. P. Borden, first commissioner of the general land office, Thomas H. Borden and Francis A. Moore, editors and proprietors of the quasi official newspaper of the Republic, Louis P. Cook, second secretary of the navy, Erastus Smith, Thos. J. Pilgrim, and others conspicuous in the various walks of life; from Pennsylvania, S. Rhoads Fisher, first secretary of the navy, David S. Kaufman, several times speaker of the lower house of Congress and one of the first two members for

Texas in the United States Congress; from Ohio, Governor Robinson and General Sydney Sherman; from Indiana, John Rice Jones, postmaster general; from Illinois, M. B. Menard; while from Great Britain and Germany there were Cameron, Ward, Linn, Erath, and numerous others prominent both in civil and military affairs.

The leading Mexicans in Texas were also in full sympathy with the revolution, Navarro and Seguin being among the most prominent. The latter commanded a company at San Jacinto which responded with enthusiasm to the battle cry "Remember the Alamo."

The constitution of the Republic of Texas is a model of its kind, and it is said that Daniel Webster characterized it as having no superior, and no equal save the constitution of the United States. Imprisonment for debt was abolished fifteen years in advance of any legislation by the United States Congress in that direction. A homestead law was enacted, which has been the model for all the States of the Union to pattern after. In property rights the wife was made equal with the husband, and many other laws may be cited as showing advanced and enlightened statesmanship.

The first efforts of the people in 1832 and 1833 to secure separate statehood have been grossly misrepresented.¹ The political machinery of the dual State of Coahuila and Texas was wholly unsuited to a republican form of government. So late as 1834, there were but two representatives in the congress of that State from Texas, pretending to represent a population scattered over 200,000 square miles of area, and widely diverse in race, education, and political traditions. There were Mexicans at Nacogdoches, San Antonio, and Goliad; Irish at Refugio and San Patricio; and Americans in the central, southern, and eastern portions of what

¹Von Holst (Vol. II, p. 562), giving J. Q. Adams as his authority, after saying that "the next aim of the conspirators was the separation of Coahuila and constituting Texas a separate State," said that the design of the colonists "to declare their independence in a convention on the 1st of April, 1833," was known to Jackson. The facts were that the convention of 1832 adjourned with the understanding that another would be held in 1833, not to declare independence from Mexico, but to secure a separate existence as a Mexican State. This was well known both in the United States and Texas, and not a secret understanding between Jackson and the so-called Texas conspirators, as Mr. Adams tried to show.

is now the State, pursuing different occupations and having different wants, all with a capital over a thousand miles distant, with no railroad nor telegraph, nor even well defined roads, having department chiefs with undefined powers, legislative, executive, and judicial, and a suffrage system so hampered as to render it useless, no laws being published and distributed among the masses. These were but a few of the many insuperable obstacles to the maintenance of a republican government in the dual State of Coahuila and Texas.

The revolution which began in Texas in 1835 owed its existence to causes not confined to Texas. The movement was quite general throughout Mexico, but in those States nearest to the national capital the presence of an organized military force under the direction of Santa Anna rendered actual resistance useless. Zacatecas made a bold stand, but her defeat was so crushing as to put the whole population of Mexico at the feet of the usurper. Coahuila was in a state of anarchy, and under the power of one of Santa Anna's generals, and it remained for Texans either to abandon their homes and fly across the Sabine, or to remain and resist. They did the latter, not as a separate and independent sovereignty, but as a State under the Mexican flag. The heroes of the Alamo perished fighting under that flag, and while the declaration of independence was being adopted in convention at Old Washington Santa Anna was held in check at San Antonio by Travis and his men. These aspects of the Texas revolution seem to have been ignored by so careful a historian as Woodrow Wilson.

Two attempts had been made by John Quincy Adams, and one in the early part of General Jackson's administration, to purchase Texas from Mexico, neither of which was inspired by the residents of Texas.

After the battle of San Jacinto the policy of annexation was generally favored in Texas, but the overtures of Texas met with no favorable response in the United States. As Texas grew in population and wealth the annexation sentiment grew in the United States, but it took no practical shape until after Mexico made two feeble and ineffectual attempts to invade Texas in 1842. A successful defense of her territory against all attempts at reconquest, and the maintenance of a well organized civil government from 1836 on in the minds of many justified a recognition of her status

as an independent sovereignty. The United States and the leading countries of Europe had treated her as such, and in 1843 an annexation treaty was proposed, which was vehemently opposed by New England, with John Quincy Adams in the lead. The United States was officially notified by Mexico that such a step would be regarded as a cause for war.¹ This threat afforded the Whigs an excuse for opposing annexation, and that party as a mass resisted the measure. The result was that when it was submitted to Congress, in 1844, it was defeated by a decisive vote. From this action of Congress the friends of annexation appealed to the people, and the issue of annexation overshadowed all others in that notable campaign which resulted in the election of Mr. Polk to the presidency. An analysis of that vote, by States, will show that it was neither a Northern nor Southern nor a slaveholder's movement. The non-slaveholding States of Maine, New Hampshire, New York, Pennsylvania, Indiana, Illinois, and Michigan, with an aggregate white population of 6,201,991 (census of 1840), voted for it, while the non-slaveholding States of Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Ohio, with an aggregate white population of 3,281,401, voted against it. The slaveholding States of Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Missouri, with an aggregate white population of 2,489,358, voted for it, while the slaveholding States of Delaware, Maryland, North Carolina, Tennessee, and Kentucky, with an aggregate white population of 2,092,515, voted against it. This result, too, was in spite of the fact that Henry Clay, than whom no statesman in the history of the United States ever had a larger personal following, was at the head of the opposition. The campaign literature of that day shows that the main argument used throughout the United States, outside of New England, against annexation, was that the annexation of Texas would necessarily result in Mexico's waging war. This is significant in considering further on which nation was responsible for the Mexican war.

In view of this sentiment in the United States, another treaty was prepared late in 1844. When news of this reached the ears of

¹The Mexican government had repeatedly, without any sort of qualification, signified to the United States that it would consider the annexation of Texas as a declaration of war. Von Holst, Vol. II, p. 80.

the Mexican minister at Washington, he promptly notified the authorities that "Should the United States commit the unheard of attempt (*inaudite atentado*) of appropriating to themselves a portion of Mexican territory he would demand his passport and his country would declare war."¹ In other words, if Texas was annexed, or attempted to be annexed to the United States, Mexico would declare war. The resolution to annex Texas did pass both houses of Congress, and the minister as promptly demanded his passports and left the country. It is well to note at this juncture that the United States was the first country to recognize the independence of Mexico as a republic, and to establish diplomatic relations with her; and that Spain did not acknowledge the independence of Mexico until sixteen years after independence was actually won, but chose to regard her as a revolting province. This was the attitude of Spain and Mexico when San Jacinto was fought. Following the example of her mother country, Mexico refused to acknowledge Texas independence and chose to regard her as a revolting province; hence Almonte's reference to it as a part of the territory of Mexico. In the mean time, however, Mexico had solemnly covenanted that she would, and she actually did, recognize the independence of Texas, upon condition that Texas would annex herself to no other country, and gave Great Britain and France as security for the permanent autonomy of Texas.

In view of the threatening aspect of affairs, President Polk (called by H. H. Bancroft, Von Holst, and that numerous class of historians, "Polk the Mendacious") referred in his message of December 2, 1845, to the situation in the following clear and succinct statement: "Texas has declared her independence and maintained it by her arms for more than nine years. She has had an organized government in successful operation during that period. Her separate existence as an independent state has been recognized by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her, or overthrow her government, would be vain. Even Mexico herself had become

¹Bancroft's *Hist. of Mexico*, Vol. V, p. 342 *et seq.*; Von Holst, Vol. II, p. 80 *et seq.*; Niles Register, Vol. LXVIII, pp. 134 and 305, and authorities.

satisfied of this fact, and while the question of annexation was pending before the people of Texas, the government of Mexico, by a formal act, agreed to recognize the independence of Texas on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, with or without this condition, is conclusive against Mexico. The independence of Texas is a fact, conceded by Mexico herself, and she has no right or authority to prescribe restrictions on the form of government which Texas might afterwards choose to assume."

New England was now ablaze with excitement. The legislature of Massachusetts solemnly nullified the annexation resolutions, as before stated, and every form of opposition, except open rebellion, was manifested throughout that region, and others that caught the contagion.

The Mexican minister left Washington on the 7th of March, four days after the approval of the resolutions by President Tyler. When the news reached Mexico, that country was excited from center to circumference. On the 29th of the same month their Congress decreed a large loan to meet the expenses of what they termed "the impending war." The condition of affairs was officially announced to the nation, and the people were summoned to arms in defence of their rights and honor. On the 4th of June the President issued his proclamation, stating that Mexico would oppose annexation with all the strength at her command, and would put into the field the whole strength of the army. On the 12th of July Condé, the war minister, issued a circular letter announcing that the government had decided on a declaration of war, and on the 16th he ordered the filling up of contingents of troops "for the war which she wages against the United States."

In the meantime Texas was arranging her part of the annexation. A special session of her Congress was called to meet June 16th, and on the 23rd it accepted the terms and called a convention of the people to meet July 4th, ratify annexation, and to frame a constitution. This was done with but one dissenting voice. The United States had not yet sent a soldier west of the Sabine, but in view of the threats of Mexico, the commands then on the western border of Louisiana, where they had been stationed since 1819, were filled out so as to reach 1500 men.

On the 20th of July the supreme government of Mexico decided, with the unanimous consent of the council, that "From the moment when the supreme government shall know that the development of Texas has annexed to the American Union or that troops from the Union have invaded it, it shall declare the nation at war with the United States."¹

On the 12th of August, Gen. Taylor's troops arrived at Corpus Christi.

Notwithstanding the war-like movements in Mexico in March, April, May, June, and July, the United States learned that Herrera, who was installed as president on the 16th of September, was willing to negotiate with a view of settling all matters in dispute. Accordingly, Consul Black was sent to him to ascertain whether Mexico would receive an envoy empowered to settle all matters in dispute between the two countries. Herrera was in the embarrassing position of being in favor of negotiating a peace, yet at the head of a government whose people were clamoring for war and denouncing as perfidy and treason all attempts to negotiate a peace.² As was natural in such a situation he answered evasively to the effect that Mexico would receive a "*commissioner* authorized to settle the *present dispute* in a peaceable, honorable and just manner," whereupon President Polk sent John Slidell, who arrived at Mexico City on the 8th of December.

In the meantime the divisions of Paredes, Gaona, and Arista had been sent to the Rio Grande, or, as the Mexicans said, "to the front." Paredes had proceeded on his way as far as San Luis Potosí, where he learned of the contemplated negotiations. He stopped his division and issued a *pronunciamento* announcing that he would reorganize the government on a military basis, and was on his way back to Mexico when Slidell arrived. Under such circumstances Slidell presented his credentials as envoy extraordinary; but the government refused to receive him, on the ground that he had not come as a commissioner to settle the present matter in dispute, but as an envoy authorized to settle all disputes. He remained in Mexico until Paredes arrived. On the 16th of Decem-

¹Von Holst, Vol. I, p. 80 *et seq.*

²Bancroft, *Hist. Mex.*, Vol. V, p. 290 *et seq.*

ber Paredes deposed Herrera, and after some ineffectual attempts at negotiation, Slidell returned to the United States.¹

Advised of these events General Taylor was adding to his forces at Corpus Christi, and getting things ready to resist the threatened invasion of Texas. In October the people of Texas ratified the new State Constitution, and the terms of annexation. In December Congress passed the act extending the United States laws over Texas, and on the 19th of February following the last formal act was performed which made Texas a State of the Union. Negotiations were at an end, and on the 12th of March General Taylor broke camp and started his army for the Rio Grande. This was the line chosen by Mexico as her front, rather than the Nueces. In his instructions to General Taylor, the President took the extra precaution to order him to act strictly on the defensive, and if he should find any occupied garrisons on the left branch of the Rio Grande to take all needful precautions against a hostile collision. He arrived opposite Matamoras in April, and immediately dispatched General Worth across the river with a courteous note addressed to the Mexican commander at Matamoras expressing the desire that the two armies maintain peaceable relations pending the settlement, by their respective civil authorities, of all matters in controversy between the two governments. The only reply to this was a curt note to the effect that his movements were considered as acts of war.

On the 12th of April, General Ampudia sent him a note peremptorily ordering him to move back across the Nueces, under penalty of immediate hostilities.²

On the 26th of April a squadron of cavalry was ambushed and captured by some Mexican troops that had crossed the river, and with this and the siege of Fort Brown and the battle of Palo Alto on the 8th of May, the Mexican war was launched, the war which the historians before mentioned are handing down to us as the war of "Polk the Mendacious."

According to the Mexican, New England, and whig theory, the boundary between the United States and Mexico was the Sabine, and therefore, the moment a United States soldier crossed the

¹Bancroft, *Hist. Mex.*, *loc. cit.*

²*Ibid.*

Sabine, Mexican territory was invaded, and the United States would be the aggressor. Santa Anna's announced purpose when he took charge was to drive the Gringos across the Sabine, but in actual practice the Rio Grande was, and for ten years previously had been, the extreme outpost of Mexico.

There never had been any dispute between Texas and Mexico as to a boundary line between them. Such a dispute would have been on the same plane as a dispute between Virginia and the United States as to whether the Potomac or Rappahannock was the boundary between that State and the United States. The recognition of such a dispute by Mexico would have been tantamount to an acknowledgment of the fact that Texas was sovereign, and therefore separate from Mexico, a concession of the only point at issue between Mexico and Texas.

The idea, so often expressed, especially in our school histories, that the Mexican war was occasioned by a dispute over the territory between the Nueces and Rio Grande was a political afterbirth, having only a very remote connection, if any at all, with the real cause of that war. It was a partisan invention of the enemies of annexation, used as a means of placing the responsibility for the war upon President Polk, and all that he represented in that brilliant epoch of American history. Once concede the fact that the country between the Nueces and the Rio Grande actually belonged to Mexico in 1845 and 1846, and all the odium which the most extreme partisans would cast upon the Southern people generally, and the old Texan in particular, immediately attaches.

If anything in the history of Mexico, Coahuila, Chihuahua, New Mexico, Tamaulipas, and Texas is well established, it is the fact that Texas had no definite, officially defined western boundaries prior to December 19, 1836, when she defined that boundary by act of her Congress. In the discussions of the Senate and House of Representatives of the United States over the compromise measures of 1850, with every known source of information available to the able and learned men who for days and weeks investigated the subject, no fact was brought out which showed that Texas had any well defined permanent boundaries on the west, nor had she any fixed boundaries on the east and north until the treaty of 1819 fixed them. The facts from which H. H. Bancroft, Von Holst, and a large majority of the leading historians of the United States

indulge the presumption that the westward march of General Taylor from the Nueces to the Rio Grande was an invasion of Mexico involves a recapitulation of the history of the western boundary of Texas in so far as the same is accessible. The Constitution of the United States makes it the duty of the President, when there is threatened invasion, to mobilize troops and repel it. As Texas, after July, 1845, was to all intents and purposes, save the perfunctory acts necessary to adjust her governmental machinery to statehood, a State of the United States, President Polk would have been justified not only in ordering General Taylor to the Nueces, but to the Rio Grande and beyond. President Jackson, Lincoln, or Cleveland would have taken such a course at least five months sooner than President Polk did.

As the boundary question has been pushed to the front as a material matter among the causes of the Mexican war, and it has been assumed as a matter of fact that the Rio Grande was not the western boundary of Texas, and that all territory between that river and the Nueces was Mexican territory, a review of the history of the subject may not be out of place. It has received elaborate attention in speeches made in both houses of Congress, in newspapers, magazines and such *pro hac vice* productions as Jay's *Review of the Mexican War*. The discussion takes up several hundred pages of the *Congressional Globe*, and is marked by a research almost without parallel in the parliamentary history of the United States Congress, but in all these one will search in vain for any reference to any law, decree, order, treaty, or other official designation of the Nueces or any other western boundary of Texas. All the learning on the subject is based upon a common repute in sections remote from either river, a common repute by no means general except in so far as geographers made it so by making maps, which themselves were based upon hearsay testimony.

Taking this as a basis for determining whether or not Texas ever had any actual western boundary line prior to 1845, except such as was marked by the sword in the struggle with Mexico, we find—

First. That the Rio Grande was its ancient western boundary before it became a province of Spain, and continued to be the generally regarded boundary line up to the middle of the 18th century.

Second. That since that time the line had been variously

regarded as at the Aransas, the San Antonio, the Medina, and the Nueces.

H. H. Bancroft, who has compiled probably the most elaborate history of Mexico extant, and who may be regarded as standard authority on that subject, when discussing questions free from the polar disturbance of the slavery issue, says, in Vol. I, *History North Mexican States and Texas*, on page 375, "Coahuila, in the 17th century, was the region north of 26° between the Bolson de Mapimi on the west and the Rio del Norte on the east."

Writing of a later period he says (*Ibid.*, p. 604): "Coahuila extended northeast across the Rio Del Norte, to the Medina, which was generally regarded as the boundary between that province and Texas."

How, when, or by what authority the boundary line was moved from the Rio Grande to the Medina, he does not state; but, in a note, says: "This boundary is not a satisfactory one. * * * As a matter of fact there were no exact bounds, for none were needed. * * * Why the Medina, rather than the Nueces or Hondo, was generally spoken of as the boundary it is hard to determine."

As Tamaulipas was not organized until after the middle of the 17th century, we have to rely upon the circumstances attending the subjugation of that region and its organization into a province to determine what was regarded as the boundary between that province and Texas.

In this connection it must be remembered that the local affairs of the provinces of Mexico under Spain were under the control of a tripartite government, ecclesiastical, civil, and military, first one and then another, particularly the military and ecclesiastical, performing all the functions of government. Their jurisdictions, functional and territorial, were different, and in speaking generally of divisional lines there is uncertainty as to which is meant, military, civil, or ecclesiastical.

When José de Escandon, a military subaltern at Querétaro, was commissioned to subjugate, settle, and organize the Tamaulipas region, the extent of his operations north confined him to a distance which took him to the Rio Grande. When he reached that point he stopped, but permitted Basterra, one of his captains, to go on to the Nueces. This officer went as far east as the Guadalupe

river to the old mission, La Bahía del Espíritu Santo. He dismantled this mission and re-established it as Santa Dorotea (Goliad), on the San Antonio river. Accompanying his official report was a map, entitled "Colonia de Nuevo Santander,"¹ with that river as the eastern bounds of his province. From this circumstance the San Antonio river was regarded as the boundary, notwithstanding the fact that San Antonio, further up the same river, was and had been the capital of Texas since 1715. This continued to be regarded as the boundary until the Nueces was put down upon the maps as such, it is said, about the year 1805.

In 1833, Texas, which had been attached to Coahuila since 1824, petitioned the Mexican government for separate statehood, and now arose the first occasion for Mexico, as a republic, to officially consider the question.

Santa Anna commissioned Almonte, a man of wide learning, and his trusted adviser, to visit Texas and acquire such information as would enable him to intelligently consider and act upon the petition, and among other things to thoroughly explore and mark out a western boundary line.

The general features of Almonte's report are familiar to the student of Texas history. In the matter of a boundary he said: "Notwithstanding the fact that up to this time it has been believed that the Rio Nueces is the dividing line between Texas and Coahuila,² for it appears so on the maps, I am informed by the government that in this an error has been made by the geographers, and that the true line ought to commence at the mouth of the Aransas and run thence to its source; thence in a direct line to the confluence of the San Antonio with the Medina river, continuing thence up the left bank of the Medina to its source; thence in a straight line to the boundaries of Chihuahua."³

Almonte, in this definition of a boundary, ignores Tamaulipas, has Coahuila extending down to the mouth of the Aransas, makes the Nueces appear as an old boundary between Texas and Coahuila, and leaves more than one-half of the western part of Texas

¹Ban. *Hist. Mex.*; Prieto *Hist. Tamaulipas*, p. —

²It was not and never had been. The Nueces was supposed to be the line between Texas and Tamaulipas.

³*Documentos para la Historia de Mexico*, IV, 22.

without a boundary,—all of which shows that the highest authorities in Mexico were totally ignorant of the actual geography of the country.

The petition of Texas was not granted, and this proposed boundary came to naught. It is cited as an illustration of the character of knowledge the most prominent Mexican officials had so late as 1835.

When the people of Texas determined, in 1835, to rid the country of the presence of the Mexican army, they made the Rio Grande their boundary, it being the most natural, the most convenient, and for nearly one hundred years the most generally recognized western boundary; and from December, 1835, up to the battle of Palo Alto, the evidence is well nigh conclusive that both Mexico and Texas regarded and treated it as the western boundary. In November, 1835, the Texans captured Fort Lipantitlan, the only garrisoned fort between the Nueces and Rio Grande. In December they captured San Antonio and a garrison of 1600 Mexican troops, and paroled them upon the condition, among others, that they leave Texas,—not by going beyond the Nueces, but beyond the Rio Grande. In April, 1836, they captured Santa Anna and the force immediately under him, and stipulated with him that his life (which had been forfeited by the Goliad massacre) should be spared, and the bulk of his army be permitted to retire, unmolested, across the Rio Grande, which in future should be the recognized western boundary of Texas. It is true Santa Anna was a prisoner when he made this agreement, but he obtained for himself and his army every benefit asked, and upon principles of equity its annulment by Mexico was not justified. Its binding force in morals and law was recognized and insisted upon by Filisola, his next in command, who asserted that the army was saved from destruction and a national disgrace avoided by it.

Santa Anna's ideas as to a western boundary may be inferred from an expression in a letter to President Houston, November 5, 1836, in which he referred to it as a matter that had been "pending many years." This period, of course, long antedated the Texas revolution.

After the armistice between Texas and Mexico, in June, 1844, General Woll, in command of the frontier forces of Mexico, issued his proclamation from beyond the Rio Grande, denouncing as

"traitors all who should be found at the distance of four leagues from the left bank," not of the Nueces, but "of the Rio Grande,"¹ clearly indicating his idea as to where the boundary was.

In February, 1847, Santa Anna, in writing to his government concerning a peace messenger that had been sent to him by General Taylor, said, "I observed we could say nothing of peace while the Americans were on this side of the Bravo," showing that he still thought the Americans would be in their proper place anywhere east of the Rio Grande.

The matter can hardly be better stated than it was by the Mexican peace commissioners, who said, "The intention of making the Bravo a limit has been announced in the clearest terms for the last twelve years. * * * After the battle of San Jacinto, in 1836, that was the territory we stipulated to evacuate, and which we accordingly did evacuate by falling back on Matamoras. In this place was stationed what was called the army of the north; and though it is true that expeditions and incursions were made upon them, even as far as Bejar, we have very soon evacuated, leaving the intervening space absolutely free, and General Taylor found it so when he entered there by order of his government"—an admission that if the Nueces had ever been a boundary, it had been changed to the Rio Grande by the Texans, long before General Taylor entered.

Mr. Von Holst, who professes to have visited Texas, characterizes this strip as a desert one hundred and sixty miles wide by about one hundred and twenty long, and he says that being a desert it was the suitable and proper boundary; but Mr. Bancroft, on the other hand, considers it land suitable for slave labor. The slave population, in 1860 in this area, outside of Corpus Christi, was ninety-nine, and the assessed valuation for 1899 over \$22,000,000, while its real value will approximate \$50,000,000, a sum considerably in excess of the assessed values of the entire State of Texas in 1846.

Much stress has been laid upon actual occupancy as necessary to title, as well as upon the fact that Texas had never exercised actual jurisdiction over this strip. It must be remembered that

¹Von Holst says, "Whoever came within a mile of the left border of the Rio Bravo was to be shot." Vol. I, p. 683.

Texas started on her career as a republic with a population of only about 30,000, and with an area of over 300,000 square miles. If her title had depended upon actual occupancy, thousands of square miles would still be "no man's land," although her population has swelled to 3,000,000. The exercise of jurisdiction is an incident of population. The ability to drive away intruders, and to continuously protect territory from intrusion, was the basis of the claim to the dominion which Texas had over this strip. When General Taylor took possession he did so by permission of Texas. Mexico had never driven an intruder from it since 1836, whereas Texas had driven the Mexicans from it, in November and December, 1835, in 1836, in March, 1842, in September, 1842, and in 1845 her constructive possession was as complete as it was to over 200,000 square miles of other territory, conceded by all to belong to Texas proper.

Von Holst says¹ that Texas admitted that she had no title west of the Nueces by making an alliance with the leaders of the movement for the Republic of the Rio Grande. In this he has been misinformed. President Lamar not only refused² to enter into any such alliance, but ordered³ the forces that had gathered on the west bank of the Nueces to disperse.

Time and space will not allow a notice of the many errors in fact, and still more in conclusion, that now pass current as the history of annexation and the Mexican war. When they are sifted out and weighed, it will clearly appear that the origin, growth, and development of Texas into a republic and her subsequent annexation to the United States was neither a Northern nor a Southern, but a purely Western movement, neither long retarded by the abolitionist nor hastened by the slaveholder, nor seriously affected by the political storms of the East; but a movement having its inspiration in the minds of a class which before the beginning of the last century crossed the Alleghanies and gave to civilization the fertile valley of the Mississippi. It will be seen that its motive power was neither sectional nor political in the partisan sense of

¹Vol. II, p. 86.

²Brown, *Hist. Tex.*, Vol. II, p. 173.

³Thrall, *Hist. Tex.*, p. 307.

that term, and that it was neither unlawful nor immoral. Had it been political aggrandizement, Texas would long since have had in the Senate of the United States ten instead of two representatives, with a corresponding increase of power in the electoral college. It was not a move in the interests of slavery, as annexation affected that institution neither one way nor the other. Texas had the option in 1845 of remaining a separate republic, with slavery, and guarantees from the two most powerful nations of the earth, or of casting her lot with the United States. She chose the latter in the face of the dangers that then threatened that institution.

The immediate cause of the Mexican war was not a matter of boundary, for no such question was in dispute between Texas and Mexico, such a thing being the subsequent outgrowth of partisan invention. Between the United States and Mexico the expressed, sole cause was annexation. The conservative elements in Mexico were powerless before the tornado of public sentiment that swept her on into a desolating war.

When the final verdict of history is reached, and the partisan exereeseences that now disfigure its pages are pruned away, that period, instead of being one of the darkest, will become one of the brightest beacons that light the path of the Anglo-American, and the memories of Houston, Jackson, Calhoun, and Polk, and the rest of that illustrious band of statesmen that added Texas to the galaxy of States, will be cherished by all true Americans; while the Texas pioneer will stand *facile princeps* in the van of the movement that has conquered a continent and given to mankind the greatest, the best, the freest, and the most just government on earth.

DR. RUFUS C. BURLESON.

HARRY HAYNES.

It is a most remarkable fact that those who bore a conspicuous part in the early struggles and triumphs of Texas were either the direct descendants of some of the most famous families on the continent, to which belonged distinguished statesmen, soldiers, and politicians, or else they were young men who gave promise of the highest usefulness in their sphere in life. Dr. R. C. Burleson, the subject of this memoir, forms no exception to this rule. His progenitors include men distinguished in every business and calling, during the colonial, revolutionary, and constitutional periods of the history of the United States. Possessing a dauntless and dashing element of character, they spent little time in hesitation and hovering around the old homestead in their youth, but pushed out and became powerful factors in the moral and material development of twenty-two States and Territories.

All the members of the American branch of the Burleson family have descended from two brothers: Sir Edward Burleson, who settled in Jewett City, Conn., in 1716, and Aaron Burleson, who settled in North Carolina in 1726. The descendants of these brothers have constituted two separate families, those of Sir Edward being Western people, in the common acceptance of that term, and those of Aaron being intensely Southern in sentiment and sympathy. Jonathan, a descendant of Aaron, son of John, and father of the subject of this sketch, was born near Lexington, Ky., October 6th, 1789. Both John Burleson and his wife, Abigail Adair, were strong in mind and resolute in purpose, and possessed that daring and courage always and everywhere a characteristic of pioneers. After attaining his majority and wedding Miss Elizabeth Byrd, Jonathan moved to Alabama, and settled on a farm near Decatur. Here he lived and died after amassing a large fortune, and raising a family of thirteen children. Rufus C. Burleson, seventh of these children, was born August 7th, 1823.

On his maternal side he was a lineal descendent of Sir William Byrd, founder of Richmond and Petersburg, Va., and Governor

William Adair, of Kentucky, and inherited in no mean measure the courage and wisdom of these famous foundation builders in American history. Young Rufus was a precocious boy; and this precocity did not fade with his youth, as is often the case, but grew with his manhood and developed with his growth. At the early age of seven years he was ambitious to become a great scholar, a great lawyer, and a great orator, and laid his ambition, plans, and purposes before his father, whose pride and sympathies were thoroughly aroused in his boy's high aims and ideals.

At this tender age he had received some instruction at home, and had developed many of the qualities of the student. As a further means of preparation for a university course, he was placed in a country school taught in the neighborhood, where he made marked progress notwithstanding many interruptions. In the autumn of 1837 he entered Summerville Academy. He continued his work in this school until 1839, when he entered a select school at Danville, conducted by Dr. A. B. Sims, the course in which was correlated with that in the highest educational institutions of the State. Having finished the course there in less than twelve months, he returned to his father's home and again entered the school at Decatur. He remained in this school only one year.

Up to this time his intention was to study law and devote his energies and abilities to that profession; but he attended a revival meeting conducted by Rev. W. H. Holcombe in a Baptist church near his father's plantation, professed conversion, and immediately abandoned his plan, and resolved to prepare himself for the ministry. When he gave up his purpose of studying law, it became necessary to remodel his course of instruction, and in 1840, at the age of 17, he matriculated in Nashville University, and began to prepare himself for entrance into a theological seminary.

While in Nashville his health was greatly impaired by close application and confinement, and he was carried to his father's farm to recuperate. Here he studied Greek, Hebrew, and Bible history until 1842, when he accepted a tempting offer to teach a private school in Mayhew Prairie, Mississippi. This experience as a teacher, when his tastes and predilections were in a formative state, leads on to his career in Texas, where he elected to make education the work of his life. Having ample means to prosecute his law studies without performing the drudgery usually incident

to a young lawyer's life, it is reasonable to say that but for his work at Mayhew Prairie he never would have engaged in teaching, and that disposition to instruct the young which afterward became in him an overweening, consuming desire would never have been formed; and, if it had not, the university at Waco, for which he did so much, might have gone like many other institutions of learning in the State, and never attained its present splendid proportions.

He taught in Mississippi from 1842 to 1845, then tendered his resignation, returned to his home, and in 1846 entered the Western Baptist Theological Seminary at Covington, Ky. He finished the course and received his diploma at this seminary June 21, 1847, and while yet standing within the shadow of the walls of his *alma mater*, surrounded by preceptors and class-mates, he raised his boyish face toward the skies, stretched his arms to the West, with both eyes closed as if to shut out the world, and said: "This day I solemnly consecrate my life to Texas."

How well this resolution was executed, and what a potent power Dr. Burleson has been for more than a half century in the moral, educational, and material development of Texas, every page reciting the history of this State tells unmistakably. With him a resolution was much more than mere words, for both principle and sentiment were involved.

He offered his services as missionary to Texas to the missionary board of the Southern Baptist Convention, they were accepted, and he was assigned as missionary pastor to a small church in the frontier village of Gonzales. He spent some time before fixing a date for his departure in the study of the history of Texas and its people, and reviewing the lives of eminent pioneers, who had founded governments, churches, and great institutions of learning, that all mistakes might be as far as possible avoided in his field of operations.

He left Covington for Texas in the fall of 1847, and while at his father's house, near Decatur, *en route*, for a last visit and day of rest, he was informed that Dr. Wm. M. Tryon, pastor of the Baptist church at Houston, had died of yellow fever, and he had been chosen as his successor by both the missionary board and the church. He was only 24 years old, and felt his inability to take up the work of this great man; but he often remarked in after life,

when reciting the incident, "A small voice whispered in my ear, 'My grace is sufficient.'" The journey to New Orleans was made by private conveyance, and from there he took a steamer for Galveston, landing in that seaport January 5th, 1848. He proceeded to Houston and assumed his new charge in that month. His preaching was so acceptable, and his administration of this pastorate so wise, that the State soon became filled with his fame and praise. While serving this church as pastor, his determination to consecrate his life to Texas was subjected to a severe test in a great variety of ways. He was prostrated with yellow fever in 1848, fell helpless and insensible on the streets a victim of cholera in 1849, was offered the pastorate of a wealthy church at Huntsville, Alabama, was elected corresponding secretary of the Southern Baptist Publication Society, and later on was offered the presidency of Union University, Tennessee, as well as the presidency of Shreveport University, Louisiana. All these scourges, misfortunes, and tempting honors would have been enough to move an ordinary man to forget his vow and turn his back on the people with whom he had resolved to rise or fall. Not so with him.

In 1848 the scattered churches in Texas decided to hold a general conference for the purpose of discussing the advisability of forming a State convention. Pastor Burleson was elected a delegate to the conference from the Houston church, and took his seat in that body September 8th, 1848. He had been in the State at this time only eight months. His participation in the organization of the Baptist General Convention on that occasion in Anderson marks Dr. Burleson's entrance into public life in Texas. From that time on to his death in Waco a few weeks ago no history of Texas can be written, and especially no history of the Baptist church, without mention of the great service he rendered the State.

At the close of the second session of the Union Association held at Clear Creek in 1841, the formation of a Baptist education society had been recommended. In 1842 the business of this association had been so disturbed by the Mexican invasion that nothing had been done in the way of carrying the resolution adopted the previous year into effect.

In 1843 the society had been formed, and R. E. B. Baylor elected president, and Dr. Wm. M. Tryon secretary. In 1844 the society had resolved to found a Baptist State university. The charter

had been issued by the Republic of Texas February 1st, 1845, and the institution had been named in honor of Judge R. E. B. Baylor. On the 15th of May, 1845, the board of trustees had met and received and considered the bids of the several places that were candidates for the location, and Independence had been selected. January 12th, 1846, Dr. Henry L. Graves had been elected president, and the institution had been fairly launched in the young Republic May 18th, 1846. Dr. Graves continued in office for five years, when he severed his connection with the school and moved to Fairfield. At a session of the board, commenced on the 13th and concluded on the 18th of June, 1851, Dr. R. C. Burleson was nominated for the presidency by Judge A. S. Lipscomb, of that first famous Supreme Court, and elected without a dissenting vote.

As stated, Dr. Burleson's first impulse after graduation was to do something for Texas and her struggling people, so while living in Covington, Ky., February 4th, 1847, he had accepted an agency for Baylor University, canvassed the States of Ohio, Kentucky, Mississippi, and Alabama, and received some appreciated collections, not only of money, but books and scientific, chemical, and philosophical apparatus for the school. Having decided to accept the position to which he had been so heartily elected, he tendered his resignation as pastor of the church at Houston, which was accepted amidst sighs and sorrowing by the congregation, and June, 1851, he moved to Independence and threw his soul and splendid abilities into the work of raising that school to a high standard.

This institution was born in a storm, and lived in a storm up to the time Dr. Burleson was placed at the helm. The determination to establish it was reached in 1841, before the excitement of the Revolution of 1836 had subsided, and during the period when the most serious conflicts between the early settlers and Indians occurred. It was formally established in 1845, while the exciting campaign which resulted in the annexation of Texas to the United States was distracting the attention of the people. It had scarcely emerged from the feverish conditions engendered by this controversy when war was declared between the United States and Mexico, March 11th, 1846, and the school struggled for existence during that sanguinary conflict. Every interest of the new country, political, commercial, educational, and religious was in an embry-

onic state, and for this reason the institution had not grown as rapidly, nor fulfilled its mission as quickly as its wise and unselfish projectors had hoped. When, therefore, Dr. Burleson assumed control, he found the attendance small, the buildings inadequate and unsuitable, only a trifle on hand in the way of a reliable endowment fund, insufficient apparatus, and, worst of all, the friends of the school discouraged and without heart. Even the learning, wisdom and enthusiasm which the recently elected president brought with him to the position did not reinspire the trustees and friends of the school. They argued that while he was the very best man for the position whose services were available, still he was only 28 years old, and with no experience as a college president. The discouragement and demoralization of the board, however, did not discourage nor demoralize this young president. He took the field and advertised the school liberally through the channels at that time available, as a result of which, when the fall session of 1851 opened, the attendance was largely increased. With each succeeding year he got a better grasp of the situation, and a clearer conception of the work. The friends took courage and came manfully to his support, new buildings were erected, the endowment fund was increased from one to twenty thousand dollars, the apparatus was added to, and a library was started. Dr. Burleson developed such administrative ability and such qualities as a leader that in 1855, four years after he took charge, the school was beyond the experimental stage, was regarded as one of the fixed institutions of the country, and had a reputation coextensive with the State. He worked on until Baylor University was known in every State in the Union, and catalogued by the *London Times* in 1860 as one of the prominent institutoins of learning in America.

Dr. Burleson continued in the presidency of the school at Independence until 1861, when, owing to some irreconcilable differences between himself and faculty and the board of trustees, he tendered his resignation.

In 1855 Trinity River Association decided to establish an associational school. In 1856 it was located at Waco, and christened Trinity River High Male School. A female department was provided for and located at Hillsboro, but was never opened. February 2d, 1860, the high school at Waco was chartered by the State, and rechristened Waco Classical School. In June, 1861, Dr. Bur-

leson was offered and accepted the presidency of this school, moved to Waco, and induced the board of trustees to change the name of the school to Waco University.

The conditions with which he was confronted at Waco in 1861 were somewhat similar to those that existed at Independence in 1851, ten years before, but he was ripe in experience, and hence troubles were trifles when cast athwart his purpose. Here, as at Independence, the attendance increased from a mere handful to a mighty force of young people, all diligently preparing themselves for the conflicts and struggles of life.

Baylor University at Independence was still the State denominational school. Dr. Wm. Carey Crane, a ripe scholar and a grand character, was president, and standing manfully to his guns. Independence, while one of the most charming spots in the State, and associated with the dearest memories of Texas, had been left off all the railroads constructed in the country, and was, therefore, inaccessible. For this reason a demand came from all portions of the State for a consolidation of the schools at Waco and Independence, and the location of the consolidated school at some more accessible point. The friends of the Independence school opposed this movement, and an acrimonious discussion was brought on, in which Dr. Burleson took no part, except to say that Waco and Baylor would sustain themselves, and if the denomination wanted anything bigger and better than either, the whole State was open, and the Baptists had a perfect right to undertake the work of establishing it; but that, if it was decided to change the location of Baylor, Waco University was ready to furnish her elder sister at Independence a domicile and shelter. By some Dr. Burleson's position on this question was misunderstood, and for this reason I indicate the stand he took on "consolidation and removal," and which I learned from him through many conversations while the agitation was going on.

The Baptist State Convention met in Lampasas in October, 1884, and the question of the removal of Baylor University was the question of most interest before that body. After a spirited debate, running through the greater part of two days and nights, a compromise resolution was passed by which a settlement of the question was reached. The substance of this resolution was that the buildings, grounds, and other property of Baylor University

was to be turned over to Union Association for educational purposes, and the name and State-wide character of the school removed. This resolution also included Baylor Female College at Independence.

For the purpose of executing the provisions of this resolution a committee with plenary powers was created by the convention. This committee, after several sessions, met in Temple in November, 1884, and, after the propositions from towns that had announced as candidates for the location had been opened and considered, decided to remove Baylor Female College from Independence to Belton, consolidate Baylor with Waco University, and locate the consolidated University at Waco. There was effected at the same time a partial consolidation of the faculty of the two schools, and also of the boards of trustees. Dr. R. C. Burleson was elected president of the two universities thus merged into one, and Dr. Reddin Andrews vice-president.

Dr. Burleson, who was now 62 years old, felt the school to be his creation; and, while he claimed no proprietary rights, he had managed it with great success in the past, and felt fully competent to do so in the future. The board of the unified school recognized and respected Dr. Burleson's long service and ability, but were self-assertive, feeling that they had some authority which president and faculty were bound to respect. Hence arose something of a clash, with which it would hardly be profitable to deal here.

In 1898 Dr. Burleson was 75 years old, and the trustees of the university, to relieve him as far as possible from the weight of responsibility and worry, elected him president emeritus on full pay, and thus ended his public life.

In a sermon preached in Brenham in 1888, Dr. Burleson used this language, which is given in full, as it contains an item of history which has not found its way into any of his biographies: "I have spent the last forty-seven years with the young in college halls. I have instructed in the last thirty-seven years in the halls of Baylor University over four thousand five hundred young ladies and gentlemen. As agent of the Peabody fund for Texas, I canvassed one hundred and twenty-seven counties and addressed not less than sixty thousand young people on the subject of education." Dr. Burleson continued to represent this fund for several years, and discharged the duties of this high trust with so

much skill that Dr. B. Sears, the general agent, paid him a just and deservedly high compliment in a public address delivered in Galveston shortly before his death.

In his public addresses before and after the war between the States he advocated putting the provisions of the statutes and the State constitution for the establishment of a university and other educational institutions into practical effect. He earnestly insisted that specially trained teachers for the public school system of Texas should be provided, and it was very largely through his efforts that the Sam Houston Normal Institute at Huntsville was founded. For thirty-seven years he had been not only a college president, but a teacher also, and knew from observation and experience the value of special preparation for the profession of teaching.

Dr. Burleson's forethought and wisdom came to his help when the subject of co-education was being discussed by the scholars of the world, and he may be said to be a pioneer in this great forward movement. When he took charge of Baylor University at Independence in 1851, he maintained that the boys and girls ought to be educated separately, and through his efforts a male and a female department were established, which had no more connection than if they had been operated under different names in widely separated towns. When, however, he took charge of Waco University in 1861, ten years later, his mind had undergone a complete change on this subject, and he earnestly advocated co-education before the trustees of that school. They adopted the policy, and Waco University has the proud distinction of being one of the earliest institutions in the world to put co-education to a practical test. Now there are more than two hundred of the higher institutions of the world that are co-educational, and Dr. Burleson's wisdom is fully endorsed by the world's most distinguished and successful scholars and teachers.

Dr. Burleson was elected president in 1851, and served Baylor [Waco] University continuously for exactly fifty years. The school received his constant attention. He was the first to be seen on the campus in the morning, and the last to retire at night. During this half century of service as the controlling spirit in an institution founded in a howling wilderness, his enthusiasm knew no abatement.

In 1853 Dr. Burleson was happily wedded to Miss Georgiana Jenkins, daughter of Judge P. C. Jenkins, a distinguished lawyer who came to Texas in 1836 from Georgia. He was a graduate of Mercer University, and was a conspicuous character among the great men of the early days. Miss Jenkins was a most charming and cultured young lady. She graduated at Judson Institute, Marion, Alabama, with high honor. She was of a family of educated, intelligent people, who attached much importance to mental culture, and no step in Dr. Burleson's life was more fortunate than this union. She was his constant companion and counselor. When he was confronted with difficulties and became greatly perplexed, Mrs. Burleson always maintained her coolness of judgment. Hers is a most beautiful character, and thousands of former students of Baylor hold her in tenderest esteem. To her husband she was a constant living inspiration and stimulus.

In 1847 the degree of A. M. was conferred upon Dr. Burleson by Nashville University, and in 1867 the degree of D. D. by Howard College, Alabama. In 1882 Keachi College, Louisiana, conferred on him the degree of LL. D. In 1878 and 1879 Dr. Burleson was moderator of the General Association that included the whole of what is known as North Texas in its jurisdiction, and later was president of the Baptist General Convention several years.

Dr. Burleson may be said to have been an enthusiast on the subject of Texas history, and contributed many valuable and interesting articles to the press on various historical subjects. He was a member of the Texas State Historical Association, and promoted the purposes of the association by all means and in all ways in his power. For the last few years before his death he was engaged in preparing for publication a book entitled *Fifty-three Years in Texas*, which Mrs. Burleson will complete and give to the public. This work includes the presentation of a great variety of subjects, from the standpoint of personal knowledge, and will be a most valuable contribution to the history of Texas. Mrs. Burleson having come to Texas eleven years before her husband, and having been a student of current events as well as a scholar, it is most fortunate that the completion of the work will be under her direction.

Dr. Burleson was a member of the Texas Veterans' Association,

and took a deep interest in its success and welfare. He served as its chaplain from 1898 to the time of his death. In a letter dated March 28th, 1901, addressed to Mr. E. Pennington, of Brenham, he stated that he was collecting data and material, and proposed when his book had been finished to write a history of the association from its organization. He did not expect to live to complete it, but would leave the work in such a shape that when the last member had "crossed to the other side" the final chapter could be written, and the record of the association rounded up and forever closed.

Dr. Burleson's ambition was to obtain for Baylor University a high place among institutions of learning in America, and he felt that he had accomplished as much, but this by no means affected his interest in the cause of education in general. In 1870 he attended the meeting of the National Educational Association held in Niagara Falls, New York, and made much reputation through the breadth of his views expressed in an address delivered before that learned body of men. He continued to attend the annual meetings of the association, and at one time was made one of the vice-presidents. He was also much interested in the work of the Texas Teachers' Association, and attended nearly all the meetings, and presided over its deliberations for several years.

Three elements of character appeared in Dr. Burleson in an eminent degree: courage, coolness, and continuity of purpose. "Never get mad, never get scared," was one of his mottoes, and he adhered to it religiously. He was as courageous as Julius Cæsar, and he never lost his temper. He was a stranger to the feeling of discouragement, and when every condition seemed to conspire to defeat his purpose and scatter the work of his hands into viewless air, it was then his determination conquered all obstacles. When he was confronted with a mighty difficulty, his slender form seemed to take on the proportions of a giant. Another remarkable element of character was his endurance, physical and mental. On one occasion this writer saw him step out on the campus at Independence, where a hundred boys were playing "hot ball," and offer himself as a target for the whole crowd. He was pelted a hundred times with solid rubber balls, and one hundred blue spots must have been made on his body, but he was as obdurate and unmoved as the sturdy liveoak under which he stood while

the fun was going on. The sport over, he saluted the boys, and bowed himself from the campus, his face wreathed in smiles when he was unquestionably suffering the greatest pain.

Anecdotes and incidents without end could be given illustrating his coolness, courage, and good nature; but the limits of this article forbid their recital. I have to add only the following editorial from the *Galveston News* of May 15th, the morning his death was announced:

“THE MAN AND HIS MONUMENT.

“Rev. Rufus C. Burleson, who died yesterday at Waco, has stood for many years with the leading divines and educators of the country. He came to Texas in 1848, and has since that time been an active and telling force in the intellectual and moral progress of the State. Dr. Burleson’s work as a missionary in pioneer times led to the establishment of Baylor University, and under his presidency the institution flourished and prospered. There are in all portions of Texas men and women who will remember with a tear the earnest and zealous old man whom they learned to love during their college days. Others will recall the venerable man of the pulpit to whose sermons they have listened, the genial old preacher who delighted to recall the adventures and triumphs of early days in Texas. Evidences of the zeal and energy of the deceased are to be found in many places, and thousands of living witnesses stand ready to honor the dead. It is set down that Baylor University is ‘a monument to his genius and industry.’”

BOOK REVIEWS AND NOTICES.

In a booklet of 45 pages Miss Arie M. Claiborne has told for her school children the "Story of the Alamo." The picture which it presents is quite vivid, and gives a good idea of the stirring scenes of the siege and assault.

The *Publications of the Southern History Association* for March contains the Secretary's *Report* of the Annual Meeting of the Association, a continuation from the January number of E. A. Smith's *History of the Confederate Treasury*, a biographical sketch of William Vans Murray by Clement Sullivane, and an interesting review by Dr. J. L. M. Curry of *The Calhoun Letters*.

The May number contains the conclusion of Prof. Smith's paper, a biographical sketch of General Muhlenberg by M. J. Wright, and the Carrington Genealogy by J. B. Killebrew. Both issues contain the usual number of pages devoted to *Reviews and Notices* and to *Notes and Queries*.

The *American Historical Review* for April contains an account of the meeting of the American Historical Association at Detroit and Ann Arbor; *The Year 1000 and the Antecedents of the Crusades*, by George L. Burr; *The Political Influence of the University of Paris in the Middle Ages*, by Charles Gross; *The Rise of Metropolitan Journalism, 1800-1840*, by Charles H. Levermore; *Sherman's March to the Sea*, by James F. Rhodes; and *French Experience with Representative Government in the West Indies*, by Paul S. Reinsch. The documents in this number are entitled *The Society of Dissenters founded at New York in 1769*, and *Miranda and the British Admiralty*. The remaining matter consists of the usual excellent series of *Reviews of Books and News and Notes*. The *Review* is a great credit to American Scholarship.

A Catalogue of Franciscan Missionaries in Texas (1528-1859). —By Rev. Edmond J. P. Schmitt, Fellow and Life Member of the Texas State Historical Association. Austin. MCMI. Pp. 16.

In these few pages are summed up the results of much patient

research in the records of the missions which are preserved in the archives of the diocese of San Antonio, and of wide reading on subjects brought into notice by the lives of the *frailles* whose names are here gathered. The notes especially show indefatigable industry and scholarship. This was the last work of Father Schmitt, whose death occurred shortly after it came from the press. He was yet a very young man, and of great promise, and his death will be deeply regretted by students of Southwestern history.

Boonesborough; Its founding, pioneer struggles, Indian experiences, Transylvania days, and revolutionary annals.—With full historical notes and appendix. By George W. Ranck, Member of the Filson Club. Illustrated. Louisville: John P. Morton & Company. 1901. Pp. xi+286.

This is No. 16 of the valuable series that the Filson Club is publishing. Though in paper covers, the volume has, in all its appointments, the air of good taste and abundant means. One especially attractive feature is the well chosen list of half-tone illustrations. The narrative is preceded by an appreciative introduction by Col. R. T. Durrett, president of the club. The subject with which Mr. Ranck has to deal is one full of inspiration for those who understand and sympathize with the pioneer work by which the West was really won—an inspiration which he has not failed, in a very marked degree, to catch. It is not easy to get the true perspective of our history. It may be that men like Daniel Boone, or even George Rogers Clark, did not have the depth of insight or conscious largeness of purpose that appears in the work of Washington or Madison or Hamilton, and that they builded wiser than they knew; but what if Great Britain had emerged from the struggle of the Revolution with its tenacious grasp still fixed on the West—the land where, as Woodrow Wilson shows, the true type of Americanism has developed? What would the United States have been? Let the historian that gives a hundred pages to the war with Great Britain and passes over with brief and careless mention the work of Boone and Clark justify himself if he can. The reviewer is of the opinion that such historians can learn much worth their knowing from the publications of the Filson Club, and especially from this number, which deals with the central feature in the making of Kentucky.

The appendix covers 118 pages, and includes a list of documents for which the serious student of Western history will be especially grateful. When history like this which Mr. Ranck has had to write shall be presented in the same scientific and intelligent manner, its importance and interest, falsely considered by some only local, will take on their true national aspect.

The Laws of Texas, 1822-1897.—Compiled and arranged by H. P. N. Gammel, of Austin, with an introduction by C. W. Raines. Volume IX. Austin: The Gammel Book Company. 1898. Pp. 1399.

This volume contains the legislative enactments, both general and special, for the decade beginning with the year 1879.

The constitution of 1876 having prohibited almost all kinds of private legislation, the special laws are not of great general interest, though they are very valuable to persons interested in the development of the larger cities of the State, whether that interest be special in the particular cities whose charters are granted, repealed, or amended during that time, or general in the subject of social and political growth. The general laws, on the other hand, embrace many acts of individual importance, and give very plain insight into many of the social and political influences then at work in this State.

With increase of population and business necessarily come increase in legislation. Notwithstanding the constitution of 1876 had doubled the working force in our courts of last resort by the creation of the court of appeals, still the supreme court was made to work off the accumulation of old business and keep up with the new. Responding to this, the Legislature, by act approved July 9th, 1879 (Acts 1879, p. 30), created a commission of arbitration and award to which any civil suit pending in either the supreme court or the court of appeals could be referred by consent of the parties. This was to continue two years. At the expiration of that time the commission was continued with somewhat different powers, but for the same purpose (Acts 1881, p. 4). The Legislature then sought permanent relief by proposing an amendment to the constitution increasing the number of judges in the supreme court. This was defeated. In March, 1887, the expedient of the commission was again resorted to (Acts 1887, p. 74), and another

amendment to the Constitution was proposed. This also was defeated (Acts 1887, p. 158), and no further attempt at relief was made until after 1879.

Corporate activity had become great and many people were becoming alarmed at the massing of capital and enterprise. The first legislative expression of this uneasiness is found in the Quo Warranto Act, passed July 9, 1879 (Acts 1879, p. 43). This is a substantial re-enactment of the Statutes of 9th Anne, and gives to the law officers of the government and to the courts much greater power over private corporations than either had theretofore possessed. On April 10, 1883 (Acts 1883, p. 67), the office of State engineer was created. His duties were largely connected with railroads and their business. This did not prove satisfactory. March 28, 1885 (Acts 1885, p. 65), the proper officers throughout the State were required to begin prosecutions against all private corporations violating Sections 5 and 6, Article 10, of the constitution. On the same day an act was passed requiring all railroad companies to maintain their general offices within the State (Acts 1885, p. 67). The next session of the Legislature, on April 2, 1887 (Acts 1887, p. 116), passed quite a stringent law, attempting to regulate foreign corporations in their Texas operations. Next came the statutes regarding receivers, authorizing the courts through these instrumentalities to take charge of and operate railroads and other corporate enterprises for causes enumerated in the statute (Acts 1887, p. 119). This was followed by the trust law in 1889 (Acts 1889, p. 141). On April 8, 1889 (Acts 1889, p. 171), the joint resolution submitting the amendment to the constitution providing for the railroad commission was passed. This amendment was adopted, and thus was laid the constitutional foundation for our present commission law. April 3, 1889, the law regarding foreign corporations was amended to make it conform to the constitution (Acts 1889, p. 87). In March, 1889 (Acts 1889, p. 130), the law requiring corporations to keep their principal offices in the State was amended so as to make it more stringent.

Legislation during this period evidences a complete change in the State's policy as to the use of lands owned or controlled by it. Early in 1883 (Acts 1883, pp. 2 and 3), all such lands were withdrawn from sale. As soon as the plan could be matured and legis-

lation effected, a land board was created, through which such lands were to be sold and leased, in conformity to the scheme contained in the act (Acts 1883, p. 85). This was on April 13. On the next day two very important land laws were approved. The first provided for disposition of minerals in the public and school lands (Acts 1883, p. 100), and the second was known as the Land Fraud Act (Acts 1883, p. 106). Prior to act of April 13, 1883, the doctrine of "free grass" had obtained. No leasing of public lands had ever been authorized, but these lands were used by all persons for grazing purposes. That act provided for acquiring exclusive rights in such land, and authorized its enclosure. The natural consequence of this change is indicated in the necessity for a called session early in 1884 for legislation respecting conditions in the West, and the enactment by it of laws: first, making fence cutting a felony (Acts 1884, p. 34); second, imposing severe penalties for enclosing lands without lawful authority (Acts 1884, p. 37); and, third, regulating the extent to which fences could be maintained without gates or passways through them (Acts 1884, p. 37).

It was during this period that the University was established and put into actual operation (Acts 1881, p. 79).

Many changes, in the main for the better, were made in the public school system at this time, and a great many other interesting and important statutes are contained in this volume, but these suffice to show its great usefulness and value from the historical standpoint especially.

JOHN C. TOWNES.

NOTES AND FRAGMENTS.

A CORRECTION.—The translations published in the April QUARTERLY, under the head *L'Abeille Americaine*, should have been credited to Mr. William Beer, Librarian of Howard Memorial Library, New Orleans.

The Austin Papers, the precious collection so carefully guarded by Colonel Bryan during his life, are left by his will to be given to some State institution, according to the judgment of his executors, these being his son, Guy M. Bryan, and his daughter, Miss Hally Ballinger Bryan, and of his nephew, Judge Beauregard Bryan. In making this provision, however, Colonel Bryan expresses himself in favor of the State University, and it is understood that the bequest will follow his preference. The papers are now stored in the basement of the State capitol, but it is expected that they will be transferred to the vault of the University this fall.

Miss Casis, whose work has been so helpful in the past to students of the University and others wishing to use the Spanish sources of Southwestern history, is again copying documents from the *Archivo General* in the city of Mexico. Mr. R. C. Clark, who graduated from the University of Texas in June, and who holds a graduate scholarship in the University of Wisconsin for next year, is assisting her. Miss Casis expects to complete during her stay in Mexico the work begun last summer of copying the two volumes in the archives entitled *Documents para la Historia de la Provincia de Texas*. These documents contain the history of the beginnings of the province, and of the first ninety years under Spanish domination. Duplicate copies are to be made, one set for the State library, which is to pay part of the expense, and one for the University.

LETTER FROM A "MIER" PRISONER TO HIS MOTHER.—Among all the tragic incidents of the history of the Texas Revolution and the later efforts to maintain her dearly bought independence, none equal in pathos those which deal with the prison life of the unfort-

unfortunate men who, in 1842, banded together for the invasion of Mexico, and became known in history as the Mier expedition.

The term "Decimated Mier Prisoners" is aptly applied to those of this expedition, who having been made prisoners by the Mexicans, were marched to the Hacienda Salado, where an escape was planned and effected. After enduring untold hardships most of them were recaptured, and having been brought back to Salado, were granted a commutation of the sentence of death, and were allowed the privilege of deciding their fate after the manner of a lottery. The prisoners numbered one hundred and seventeen; so, that number of beans, seventeen of which were black, the rest white, were placed in a jar and held over the heads of the unfortunate men, and they were compelled to draw, each a single bean, knowing that the black ones represented the death of seventeen of their number. No more cruel device could have been conceived; the situation was one to try the fortitude of the most heroic, and some of the prisoners were mere boys, but instances of self-sacrifice were not wanting, and all met their fate bravely. They had learned the lesson of the stoic; they feared not to die, but feared a coward's death.

Relics of this most tragic event are extremely rare; hence the value attached to the following letter from one of the prisoners to his mother, written just after drawing a black bean, and about half an hour before he was led out blindfolded to be shot. It was written on coarse paper with a pen and ink, and in a firm hand. The execution took place March 25th, 1843:

"MEXICO.

"Dear Mother:

"I write you under the most awful feelings that a son ever addressed a mother, for in half hour my doom will be finished on earth, for I am doomed to die by the hands of the Mexicans for our late attempt to escape the [torn out] G. Santa Anna that every tenth man should be shot. We drew lots. I was one of the unfortunates. I cannot say anything more. I die, I hope, with firmness. Farewell, may God bless you, and may He in this my last hour, forgive and pardon all my sins. A. D. Headenberge will should he be [blot] able to inform you. Farewell,

"Your affectionate son,

"R. H. DUNHAM."

The foregoing letter was obtained through the courtesy of W. P. Doran, of Hempstead, it having been given him by the sister of Mr. Dunham, Mrs. R. J. Wood, who also lives at Hempstead. She is now very old, and can remember nothing of the manner in which her mother came into the possession of the letter. It was probably carried by one of the survivors of the "death lottery" through their long, weary march to the City of Mexico, and carefully preserved until his own release enabled him to return home and deliver the precious missive in person.

ADELE B. LOOSCAN,
Historian, Daughters of the Republic of Texas.

THE STEPHEN F. AUSTIN STATUE FUND.—Mrs. Joseph B. Dibrell, chairman of the Stephen F. Austin Statue Fund Committee, has sent out the following circular, which will explain itself, and which needs no word of exhortation to commend it to the patriotism of the Texas people:

"The Daughters of the Republic of Texas, acting through this committee, have formed the desire to place in one of the niches in the capitol at Washington, D. C., the marble statue of Stephen F. Austin. Some years ago Congress, prompted by motives patriotic and for the purpose of encouraging art, passed an act authorizing each State to place the statues of two of its most representative men in niches provided in the national capitol for such purpose. The Legislature of Texas has authorized the Daughters of the Republic of Texas to fill one of the niches set aside to Texas with the statue of Stephen F. Austin, known to history as the 'Father of Texas,' and one of her most unselfish patriots. This laudable work must be accomplished by the efforts of the Daughters of the Republic of Texas by means of soliciting subscriptions for such fund, by entertainments and by all other proper means calculated to effect the object designed. The statue can be executed for the sum of \$4000, and with little additional funds can be placed in the niche awaiting it.

"All lovers of Texas and of her early unparalleled history are appealed to for help by liberal contributions, and by all other means, to raise the fund desired. At the suggestion of the chairman of the committee of the Stephen F. Austin Statue Fund, Hon. W. B. Wortham, president of the First National Bank of Austin,

Texas, has been chosen treasurer. The names of all those making contributions and the amounts contributed by each will be published in the annual report of the Daughters of the Republic of Texas.

"It is the purpose of the Daughters of the Republic of Texas to ask the next Legislature to fill the remaining niche in the national capitol with the statue of the illustrious Gen. Sam Houston. Stephen F. Austin was first selected owing to his chronological precedence, and the Daughters, knowing the State would respond to the call for the Houston statue, and realizing the large amount necessary for both, preferred to rely upon the generosity of the public for the Stephen F. Austin fund.

"We hope you will send to the chairman of this committee, Mrs. Joseph B. Dibrell, at Seguin, Texas, any contribution you may see fit to make for this fund, and the same will be promptly forwarded to the treasurer by her. This work must be performed and without delay, and every daughter and son of the Republic of Texas is earnestly requested to go to work in earnest and assist in accomplishing the great work now begun. They are reminded of the patriotism and unfaltering courage and energy of their fathers, and they must not recognize the word failure."

FUNERAL OF THE "HEROES OF THE ALAMO."—Everybody who knows the story of the Alamo remembers how, by the orders of Santa Anna, the bodies of its gallant defenders were, as Yoakum expresses it, "thrown into heaps and burnt"; but perhaps fewer know that their ashes ever received the honor of a military funeral, and there is reason to believe that most of those who know are in error as to the place of interment.

Col. Juan N. Seguin, who took command of San Antonio for the Texans after the battle of San Jacinto, says, in a letter dated March 28, 1889: "I collected the fragments, and placed them in an urn, and buried it in the Cathedral of San Fernando immediately in front of the altar—that is, in front of the railing and near the steps." This statement has gained a good deal of publicity through its incorporation by Hon. Seth Shepard in his monograph, "The Siege and Fall of the Alamo" (in *A Comprehensive History of Texas*, I, 637-48), and has received general credence, notwithstanding the vehement denials of the San Fernando clergy. It appears, however, that Seguin's memory played him

false; for, in the *Telegraph and Texas Register* of March 28, 1837, there is a detailed description of the funeral, to which, of course, his simple statement, made after a lapse of exactly fifty-two years, must give first place. The account in the *Telegraph* is as follows:

"In conformity with an order from the general commanding the army at headquarters, Col. Seguin, with his command stationed at Bexar, paid the honors of war to the remains of the heroes of the Alamo; the ashes were found in three places, the two smallest heaps were carefully collected, placed in a coffin neatly covered with black, and having the names of Travis, Bowie and Crockett engraved on the inside of the lid, and carried to Bexar, and placed in the parish church, where the Texian flag, a rifle and sword were laid upon it for the purpose of being accompanied by the procession, which was formed at 3 o'clock on the 25th of February; the honors to be paid were announced in orders of the evening previous, and by the tolling knell from day-break to the hour of interment; at 4 o'clock the procession moved from the church in Bexar in the following order:

"Field officers; staff officers; civil authorities; clergy; military not attached to the corps, and others; pall bearers; coffin; pall bearers; mourners and relatives; music; battalion; citizens.

"The procession then passed through the principal street of the city; crossed the river; passed through the principal avenue on the other side; and halted at the place where the first ashes had been gathered. The coffin was then placed upon the spot, and three volleys of musketry were discharged by one of the companies; the procession then moved to the second spot, whence part of the ashes in the coffin had been taken, where the same honors were paid; the procession then proceeded to the principal spot and place of interment, where the graves had been prepared; the coffin had been placed upon the principal heap of ashes, when Col. Seguin delivered a short address in Spanish, followed by Major Western in English, and the ashes were buried. * * *."

From this description, could not some one well acquainted with San Antonio locate, at least approximately, the place of the burial?

This extract from the *Telegraph* has been printed before, being quoted by a writer from Houston, Texas, who signed himself C. H. C., in the *Magazine of American History*, II, 309-11.

EUGENE C. BARKER.

AFFAIRS OF THE ASSOCIATION.

THE SAN JACINTO DAY MEETING.—In accordance with the notice sent to members, the Association was called to order in Room 44 of the University building by President Reagan, Monday afternoon, April 22, 1901. In the absence of the Secretary, Dr. Battle was asked to act in that capacity.

The amendments to the constitution as printed in the announcement sent out to members were adopted *seriatim*, and the amended constitution was adopted as a whole by a unanimous vote. The officers of the past year were elected for the ensuing year. Professor R. L. Batts was elected member of the Council from the Fellows for the term ending 1904; and Mrs. Bride Neill Taylor from the members for the term ending 1906.

After an interesting talk from the President on the historical heritage of the State of Texas, the possibilities of the future, and the opportunities of the Association, the meeting was adjourned.

The revised portion of the constitution are given below. The revisions are printed in italics and placed in brackets. Where the changes are simple additions, they are inserted at the proper points; but where they take the place of other provisions they are inserted immediately thereafter, the words for which they are substituted being enclosed in parentheses. Words enclosed in parentheses not followed by brackets are simply to be omitted:

ART. IV. ¶2. The President, Vice-Presidents, and Corresponding Secretary and Treasurer shall be elected annually by the Association (from among the Fellows).

¶4. The Executive Council, (a majority) [*five*] of which shall constitute a quorum, shall consist of the following:

¶5. The [*Ex-Presidents*], the President, the four Vice-Presidents, the Recording Secretary and Librarian, [*the Corresponding Secretary and Treasurer*], the State Librarian, three Fellows, five Members.

ART. V. ¶4. [*Members or Fellows may be dropped from the rolls of the Association at the discretion of the Council for non-payment of dues.*]

ART. VII.—AMENDMENTS.—Amendments to this Constitution

shall become operative after being recommended by the Executive Council and approved by two-thirds of the (entire membership of the Association, the vote being taken by letter ballot). [*members present and voting at any regular meeting; provided, that notice of the proposed amendment shall be given in the announcement of the meeting.*]

The members of the Association will regret to hear that Professor Bugbee, who has been Corresponding Secretary and Treasurer since its organization, and to whose intelligent and faithful service much of its success has been due, has found himself under the necessity of resigning on account of ill health. His duties will be discharged, until his successor can be elected, by Mr. E. C. Barker. Professor Bugbee has obtained a leave of absence from the University, and expects to spend some time in New Mexico. He goes followed by innumerable good wishes and hopes for his speedy restoration and return to his work.

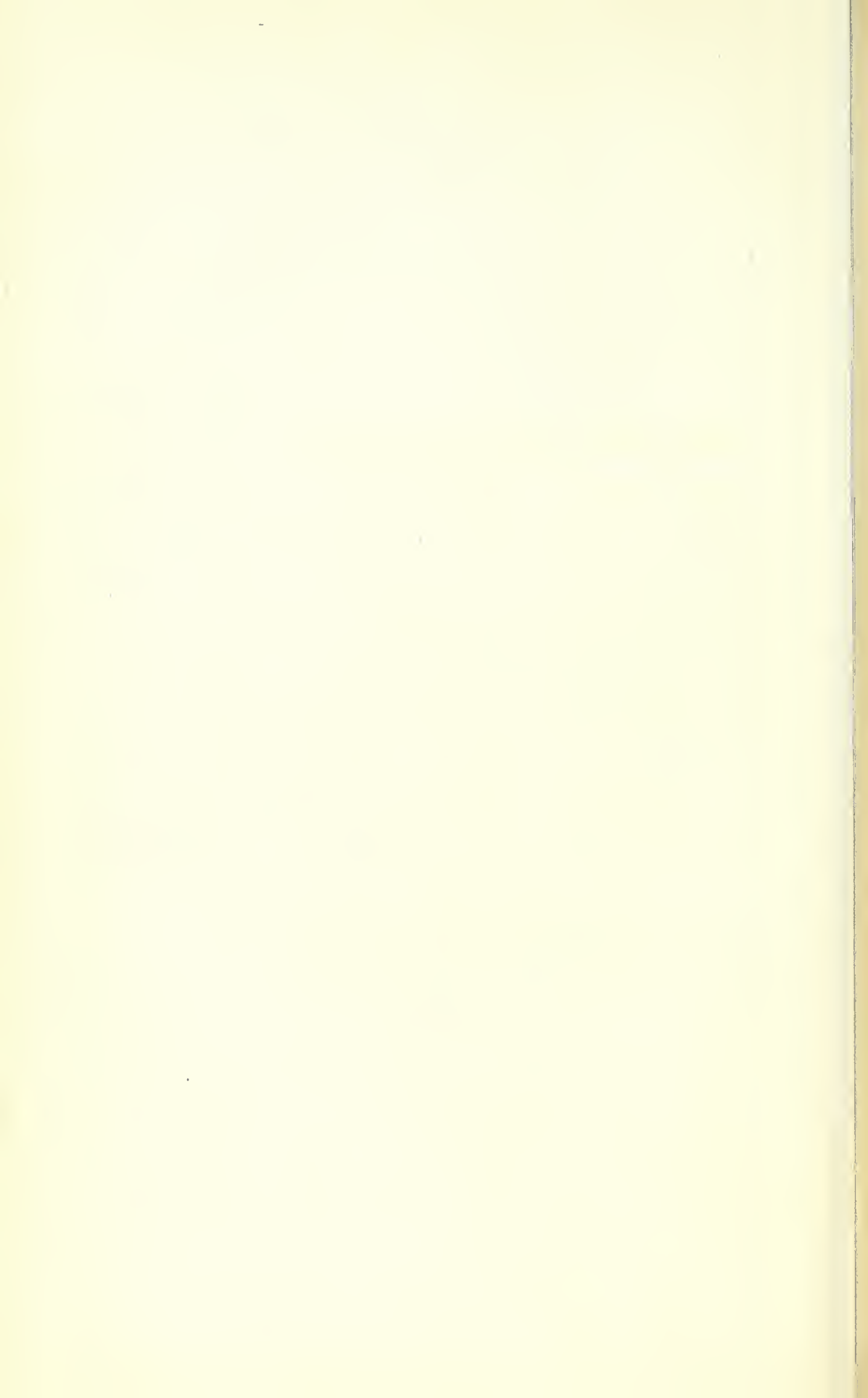
Until this year the regular annual meetings of the Association have been held at the University on the day following Commencement. The time has been found very unsuitable, mainly for the reason that all those who attend the Commencement exercises—as most of the members in Austin do—have little energy left for the meeting of the Association. The Council will soon take up the selection of another date, and it is hoped that the time chosen will be satisfactory enough to become fixed permanently.

The Texas Veteran's Association has sustained a sad loss in the death of its President, Col. Guy M. Bryan, and its Chaplain, Dr. Rufus C. Burleson. They went out almost together, Dr. Burleson dying May 14, and Col. Bryan June 3.

Dr. Burleson's life was devoted mainly to the work of education in Texas. A biographical sketch of him appears in this number. He was a member of the Council of the Association from its organization till his death, and was most energetic and faithful in the discharge of his duties as such. He never missed a meeting that he could attend. Few men in Texas had such intimate connection with so many lives, and he will be widely mourned.

In the death of Colonel Bryan the Association has lost one of its

most loyal and enthusiastic members. He was its Second Vice-President during the first year of its existence, and First Vice-President thereafter to the end of his life. Colonel Bryan was a man of remarkable fine instincts and lofty character. He was devoted to Texas, in whose history he had played a prominent and useful part; and his friends feel it particularly appropriate that he should have spent his last moments in the shadow of the grand new capitol, which stands the most peculiar symbol of the greatness of the State he loved so well.



GUY M. BRYAN,

Member of Texas House of Representatives 1847-1853,

(Speaker) 1873-1875, 1877-1879, 1885-1889.

Member of Texas Senate, 1853-1857.

Member of United States Congress, 1857-1859.

President Texas Veteran's Association, 1901.

Vice-President Texas State Historical Association,
1897-1901.

Born, January 12, 1821.

Died, June 3, 1901.



RUFUS C. BURLESON,

President Baylor University, 1851-1861, 1884-1898.

Born, August 7, 1823.

Died, May 14, 1901.

REPORT OF TREASURER FOR THE YEAR ENDING JUNE
1901.

RECEIPTS.

	Balance on hand at last report.....	\$	55	86
I.	From dues:			
1	membership dues for year ending June, 1898.....	\$	2	00
2	“ “ Dec., 1898.....		4	00
2	“ “ March, 1899.....		4	00
9	“ “ June, 1899.....		18	00
9	“ “ Dec., 1899.....		18	00
5	“ “ March, 1900.....		10	00
52	“ “ June, 1900.....		104	00
69	“ “ Dec., 1900.....		136	65
30	“ “ March, 1901.....		58	80
265	“ “ June, 1901.....		521	85
67	“ “ Dec., 1901.....		132	50
1	“ “ March, 1902.....		2	00
7	“ “ June, 1902.....		14	00
1	“ “ June, 1903.....		2	00
1	Fellowship dues for year ending March, 1900....		5	00
1	“ “ Dec., 1900.....		5	00
2	“ “ March, 1901.....		10	00
7	“ “ June, 1901.....		34	90
			1,082	70
II.	From advertisements		16	75
III.	From contributions.....		10	00
IV.	From sale of Quaterly.....		43	60
V.	Error (J. C. Townes).....		3	00
	Total.....	\$	1,211	91

EXPENDITURES.

Vouchers.		
No.		
98	... City National Bank.....	\$ 3 55
100	... U. S. Postoffice.....	30 00
99	... T. G. Harris.....	2 00
101	... Miss Ida M. Mead.....	25 00
102	... Miss Ida M. Mead.....	5 75
103	... P. A. Brodin.....	50
104	... Von Boeckmann, Schutze & Co.....	159 49
105 }	... U. S. Postoffice.....	55 00
107 }		
108 }		
106	... Pacific Express Co.....	40
109	... Von Boeckmann, Schutze & Co.....	43 50
110	... U. S. Postoffice.....	15 00
111	... B. Wyche.....	1 55
112	... U. S. Postoffice.....	10 00
114	... E. T. Miller.....	60
115	... B. Coopwood.....	15 00
116	... A. F. Jatho.....	3 25
113 }	... Von Boeckmann, Schutze & Co.....	113 75
117 }		
118	... U. S. Postoffice.....	10 00
119	... E. C. Barker.....	5 00
120	... City National Bank..	206 66
121	... U. S. Postoffice.....	10 00
122	... Miss Jane Magnenat ..	2 30
123	... Pacific Express Co.....	3 50
124	... Ben C. Jones & Co.....	25 50
125	... Von Boeckmann, Schutze & Co.....	139 37
126	... I. E. Wagner.....	68
127	... City National Bank.....	50
128	... U. S. Postoffice.....	10 00
129	... Von Boeckmann, Schutze & Co.....	1 90
130	... Ben Walker, Jr.....	50
131	... U. S. Postoffice.....	10 00
132	... I. E. Wagner.....	19 50
133	... U. S. Postoffice.....	5 60
134	... U. S. Postoffice.....	5 90
135	... Green Fluellen.....	50
136 }	... Von Boeckmann, Schutze & Co.....	50
138 }		
137	... E. C. Couch.....	2 45
139	... U. S. Postoffice.....	10 00
140	... City National Bank.....	12 00
Total.....		\$ 1169 45
Stolen from desk.....		19 10
Balance on hand.....		23 36
		<hr/>
		\$ 1211 91

LIBRARIAN'S REPORT FOR 1900-1901.

ACCESSIONS DURING THE YEAR.

AUTHOR.	TITLE.	Vols.	Pamps.	DONOR.
New York Monuments Commission.	New York at Gettysburg	3		State of New York.
James A. Roberts, Comptroller.	New York in the Revolution as Colony and State...	1		" "
William Nelson	Public Papers of George Clinton, Vols. I, II.....	2		" "
	New Jersey Archives, First Series, Vol. XX	1		New Jersey Historical Society.
	Transactions of Illinois, Historical Society.....	1		The Society.
	Transactions of McLean County, Ill., Historical Society.	1		The Society.
William Nelson	New Jersey Archives, First Series, Vol. XXI.....	1		New Jersey Historical Society.
	Wisconsin Historical Collections, Vols. XIV and XV.	2		Wisconsin Historical Society.
	Annual Report American Historical Association for 1899.	2		The Association.
Whitelaw Reid.....	Trustees' Report of Newberry Library for 1900		1	The Library.
	Our New Interests, Address at University of California.		1	University of California.
J. P. MacLean	The Archaeological Collection of the Western Reserve Historical Society.		1	The Society.
	Leland Stanford Register, 1900-1901.....		1	Stanford University.
	Report of Agricultural Experiment Station of University of California.	1		University of California.
E. W. Hilgard.....	Endurance of Drought in Soils of the Arid Region.		1	" "
R. H. Loughridge... }				
Chas. H. Shinn.....	Australian Salt Bushes		1	" "

AUTHOR.	TITLE.	Vols.	Pamps.	DONOR.
Zelia Nuttall.....	Chicago Historical Society, Charter, Constitution, By-Laws, etc.		1	The Society.
	Fundamental Principles of Old and New World Civilizations.	1		The Peabody Museum.
	Antiquarisk Tidskrift för Sverige, II--XVI.....	15		Kongl. Vitterhets Historie och Antiquitets Akademien.
	Annual List of Additions to Boston Public Library.	8	1	The Library.
	Kongl. Vitterhets Historie och Antiquitets Akademien's Mandatblad, I--VII.			The Academy.
	The Land of Sunshine, Vol. XIV.....	1		Charles F. Lummis.
	University of Texas Record, Vols. I and II.....	2		The University.
	Ohio Archaeological and Historical Quarterly.....	1		Ohio Archaeological and Historical Society.
	Political Science Quarterly, Vol. XV.....	1		The Editors.
	Total additions to Library since July, 1900.....	56	14	

The accessions for the year include also many volumes of valuable periodicals of which certain numbers are missing, and a collection of miscellaneous material, filling several boxes, which was the gift of Rev. Edmond J. P. Schmitt, and which it has not yet been found possible to catalogue.

Respectfully submitted,

GEORGE P. GARRISON,
Librarian.



THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION.

Vol. V.

OCTOBER, 1901.

No. 2.

The publication committee and the editor disclaim responsibility for views expressed by contributors to the Quarterly.

REMINISCENCES OF SION R. BOSTICK.¹

STATE OF TEXAS,
COUNTY OF SAN SABA.

Know all men by these presents: That I, Sion Record Bostick, a resident citizen of the county and State aforesaid, being over eighty years old and feeling the infirmities naturally incident to old age, and being desirous of perpetuating testimony that may be of interest to future historians of Texas, do make the following statement:

I came to Texas in 1828 while a mere boy, scarcely ten years of age. My father belonged to Austin's colony and settled first in the red lands of Eastern Texas, in what is now known as Shelby county. I very well remember that the country was covered with grass as high as the sides of a horse. The woods were full of deer, panthers, leopard cats, wolves, bear, and turkeys. The Indians then in that part of the country were friendly.

¹This narrative was presented to the Association, at the request of Mr. Bostick, by Joel F. Brown, Esq., of San Saba county, Texas. The evidence relative to the details of the capture of Santa Anna is very conflicting, as will appear from the notes. These, except the three signed by the editor, have been prepared at his request by Mr. E. W. Winkler.—EDITOR QUARTERLY.

The next year, 1829, we removed to old San Felipe on the Brazos river, where the land office was located. All the land grants and donations were signed up at Monclova.¹

In 1831 and 1832, the colonists had trouble with the coast Indians. They were large Indians, very warlike, and fierce fighters; but there were few of them, and they were soon annihilated.² About the close of the Carankawa Indian troubles, the Comanche Indians became hostile. They were quite numerous, and on most of their raids they were on horseback. Being excellent riders they found it easy to mount themselves, as the country was full of wild horses. The settlers had excellent horses brought from the old States, and these Indians dearly loved, on moonshiny nights, to steal these gentle horses. Several times they set my folks afoot by stealing all the horses we had. In such cases the settlers were compelled to buy horses from the Mexican traders. Their horses were small, but hardy, and could live entirely on grass. Most farmers used oxen in breaking land and cultivating their farms.

In 1832 my father moved from San Felipe to the Colorado river where Columbus is now situated, and it was at this place that we suffered most from Indian raids.

My father died in 1833.

There were then no schools, and there was but little preaching. In 1834 my mother employed an Irishman by the name of Lovelady to teach school at her house. The children of neighbors attended. This was my first school experience, and I must say that the Irish school teacher believed in that good old Bible doctrine, "Spare the

¹To colonists, introduced by *empresarios*, titles were issued upon the certificate of the *empresario* by the commissioner appointed by the State legislature; titles were issued directly to individuals by the government only when these individuals wished to purchase lands lying without *empresario* grants. See *A Comprehensive History of Texas*, I 802.

Monclova had been declared the capital of the State as early as September 25, 1828. However, the capital remained at Saltillo until 1833, when Monclova was decreed such a second time. A revolution resulted. Texas recognized the government at Monclova as the legal one. (*Laws and Decees of Coahuila and Texas*, 107, 207; Brown, *History of Texas*, I 260.)

²This is rather overstating the facts. There was a remnant of them in Texas as late as 1847. See *A Comprehensive History of Texas*, I 727.—
EDITOR QUARTERLY.

rod, and spoil the child." As he did not want to spoil the wild frontier boys, he never spared the rod; but he made us toe a mark, behave ourselves, and learn our lessons.

My school days soon ended. In 1835 the colonists began to be alarmed at the violations of their rights as colonists. As regards the causes, I was too young to understand them. The Mexicans came down to Gonzales about two hundred¹ strong to take a small cannon that had been left there. There were about one hundred² Texans there, and we resisted. After a volley or two, in which a few were wounded, but none killed,³ the Mexicans went back to San Antonio, and they did not preserve good order in that retreat.

The rumors of war swept over the country, and the volunteers came in until several hundred had got together. I became a soldier, and joined Captain Splann's company. Stephen F. Austin was in command⁴ of the troops that had gathered there, and Colonel Travis was with them.

The forces were divided.⁵ The advance guard, or first detachment, had been attacked⁶ by soldiers from the Alamo at Concepcion, and the Mexicans had been defeated when the force to which I belonged joined the first detachment.

¹Authorities vary greatly as to the number of the Mexican troops (cavalry). The estimates run from twenty-five by Linn (*Reminiscences*, 107) to three hundred by "An Old Soldier" (*Texas Almanac for 1861*, 61). The weight of evidence is to the effect that there were not more than two hundred, and probably much less.

²Probably a few more.

³David B. Malcomb says, in a letter written from Gonzales a few days after the battle: "It is believed that one or two Mexicans were wounded or killed by the advance guard at the first onset, and a very considerable number killed and wounded by the discharge of the cannon (Foote's *Texas and the Texans*, II 101). "An Old Soldier" says the Mexicans took their killed and wounded with them (*Texas Almanac for 1861*, 62), while Brown (*History of Texas*, I 350) says they left four dead on the field. The Texans lost not a man.

⁴Stephen F. Austin arrived at Gonzales about noon, October 11, and was elected commander-in-chief the same afternoon (*Comp. Hist.*, I 540).

⁵October 27.

⁶October 28.

We had but one little old cannon, the one we had at Gonzales, which was about a four-pounder.¹ General Austin told us that we might shoot at the Alamo if we wanted to. I belonged to the crowd that managed the gun. We were delighted with the privilege of shooting at the Mexicans, and we pulled the gun to within four or five hundred yards of the Alamo fort. Captain Poe was in command of the artillery. We loaded the little gun and fired, and we hit the fort and knocked down some of it. We could hear the Mexican sentinels calling to one another, "*Centinela alerta!*" They did not return the fire that night. The next day we moved up to an old mill just below what is now San Pedro springs.²

Two weeks afterwards Stephen F. Austin became ill, resigned, and went back to San Felipe where he lived. We were told that he had to go to Washington, D. C.³ Ed. Burleson took command.

¹Brown (I 348) says it was a valuable four-pounder; but Holley's (*Texas*, 335) and Macomb's (Foote, II 99) statements, that it was a brass six-pounder, have been adopted by Kennedy (II 108), Yoakum (I 363), and Bancroft (II 166). See also QUARTERLY, II 314. The Texans had at least two cannon at the beginning of the operations about San Antonio: the one referred to above and another brass six-pounder captured at Concepcion (Bowie and Fannin's *Report*; Austin's *Report to General Council*; Morphis's *History of Texas*, 95, 107.) This statement is repeated by Wm. T. Austin (*Comp. Hist.*, I 552). However, Yoakum (II 16), followed by Bancroft (II 177), states, upon what authority is unknown, that at Concepcion "the Texans had but five pieces of small calibre."

²The Texans remained encamped at Concepcion from October 28 to November 2. During that time considerable reinforcements from Eastern Texas arrived, and on the morning of November 2, therefore, a council of war was held. It decided that the army should occupy such positions as would enable it to do the greatest injury to the enemy without exposing the Texans (*Texas Scrap Book*, 68). The army accordingly was separated into two divisions: the first under Bowie and Fannin remained at Concepcion, while the second under Burleson occupied a strong position on the east side of the San Antonio river about a mile above town (*Comp. Hist.*, I 554). That same day a detachment under Colonel Burleson occupied the mill (*Texas Scrap Book*, 68), which is located on the San Antonio river and not on San Pedro creek (QUARTERLY, IV 55). The two divisions of the army advanced to the old mill not long after—Yoakum (II 14, 15) says "four or five days." Filisola (*Memorias para la Historia de la Guerra de Tejas*, II 186) says the Texans occupied the mill on the 11th, having one cannon.

³On November 12, the Consultation elected Branch T. Archer, Wm. H.

While in camp at that old mill, we moved our cannon down and put it in an irrigating ditch. The Mexicans fired at us for several days. Their cannon were small, being four and six pounders. We returned the fire. I watched their balls hit, and when they got still I picked them up, and we fired them back at them. They never hurt any of us, and I do not know whether we hurt any of them or not.¹

In about a week² Ben Milam called for volunteers to go into San Antonio and take it. There were about two thousand³ men in the city. General Cos had command and Ugartechea was a brigadier, I believe, under him. Some two hundred⁴ men volunteered, but before the affair ended about all our force were taking a hand. At first it was necessary for some to stay and guard the baggage.

It was some time in November or early in December, if I remember right,⁵ when we started in to take the place. The nights were dark. We did not go by the open roads or streets, but we went through the old adobe and picket houses of the Mexicans, using battering-rams made out of logs ten or twelve feet long. The stout men would take hold of the logs and swing them a while and then let drive endwise, punching holes in the walls through which we

Wharton, and Stephen F. Austin commissioners to the United States (*Journal of Consultation*, 37). Informed of his election, Austin "ordered a general parade of the army to take place on the 24th instant, on which occasion he delivered an address in which he announced his determination to accept the appointment of commissioner to the United States and withdraw from the army" (*Comp. Hist.*, I 558).

¹The incidents recited in this paragraph appear to have preceded Austin's resignation (*Comp. Hist.*, I 555, 556).

²On December 4.

³Burleson, in his report, states that the force of the enemy could not have been "less than thirteen hundred effective men." For further information concerning the number, see Bancroft, II 187, *note*.

⁴"The Texans who attacked the town numbered three hundred, and but seldom more than two hundred and fifty, during the fight of four days and nights. True, General Burleson, with the remainder of the army, maintained his position above the town."—F. W. Johnson's MS. *History of Texas* (*Comp. Hist.*, I 193).

⁵At daylight on the morning of December 5.

passed. How the women and children would yell when we knocked the holes in the walls and went in. It was dark; and by daylight all of the men were sheltered in these houses. We had dug our way through the houses until we were opposite the portholes in the barricades on the streets. We had holes punched in the walls so that we could see how to shoot. The guns in these barricades were pointed down the street, and we were on each side in the houses. They could not turn the guns around so as to shoot at us, but we could shoot at them over the walls of the barricades, and when one of them crossed in front of a porthole we shot at him. We moved our cannon into a street so as to knock down some of the barricades, and the fire of the Mexican cannon dismounted it.

We were about a week¹ fighting in those houses. On the third day of the battle our cannon was lying dismounted in the street, and General Milam wanted to get it out of the street so as to mount it again and use it. He went out in the street to show those who were trying to move the cannon how to work, when a canister shot hit him in the head and killed him.² Johnson and somebody else³ took command after Milam fell. We dragged Milam in out of the street and put him in one of the houses. That same house is standing in San Antonio now.

After several more days fighting we captured the barricades, and the soldiers who had been behind them retreated into the Alamo. They soon put up a flag and called for a cessation of hostilities until a consultation could be held. After parleying they agreed to give up the fort with all its cannon if we would allow them their

¹From daylight on the morning of the 5th till half-past six o'clock a. m. on the 9th.

²Others assert that he was killed "in the hour of victory, while reconnoitering with his glass for the final assault" (Thrall's *A Pictorial History of Texas*, 592), or "while leading a charge" (*Texas Scrap Book*, 38). In view of the discrepancies of these statements, most readers will perhaps prefer that made by F. W. Johnson, Milam's colleague, in his official report immediately after the battle: "At half-past three o'clock, as our gallant commander, Col. Milam, was passing into the yard of my position [the Veramendi House], he received a rifle shot in the head, which caused his instant death."

³Major R. C. Morris.

side arms. They agreed to leave Texas. We consented to this, they left, and we all dispersed to our homes.¹

About February, 1836, they came back with a large force and attacked San Antonio, where Colónel Travis and Bowie and Crockett were in charge of the old Alamo fort. I was at home at Columbus, but on the 21st day of March, after the Alamo had fallen and Fannin and his men had been massacred,² I re-enlisted at Columbus under Capt. Moseley Baker, who had a company in Colonel Ed. Burleson's regiment of Houston's army, then retreating before the victorious Mexicans.

Baker's company was sent³ to San Felipe to guard it, and Houston's army crossed⁴ the Brazos above San Felipe at Groce's Retreat.⁵ My company crossed the Brazos at San Felipe and threw up some little fortifications. After the Mexicans crossed the Colorado river, General Houston ordered us to cross over the river and burn⁶ San Felipe. The people had already abandoned the place, leaving everything they had in the houses and stores. We obeyed our orders, but remained in camp on the east side of the Brazos opposite San Felipe, and placed a picket guard on the west side to give notice of the approach of the Mexicans.

In a few days,⁷ the Mexicans came up. One morning about sunrise they captured Simpson, one of our pickets. The other three pickets, Jack Bell, I. L. Hill, and Pettus got away and crossed the river in a dugout. We had some skirmish firing across the river

¹See Burleson's and Johnson's *Reports and Articles of Capitulation*; Brown, I 417-426; Thrall, 222-229.

²This should doubtless read "Fannin and his men had surrendered," for they were not massacred until March 27, but news of their surrender reached Houston on the Colorado. See QUARTERLY, IV 299, *note*.

³Rather Baker and his men refused to follow Houston up the Brazos, and so were left at San Felipe (QUARTERLY, IV 246, *notes 2-4*).

⁴Houston's army remained in camp on the west side of the Brazos at Groce's Ferry nearly two weeks before crossing (QUARTERLY, IV 246, 248).

⁵Groce's Ferry.

⁶QUARTERLY, IV 247 and *note 2*.

⁷On April 7.

at them. We would not let them cross, and they went down the Brazos and crossed at Richmond.¹ We were ordered to join Houston at Donoho's below Groce's Retreat, outside of the Brazos bottom in the edge of the prairie.

The scouts reported that Santa Anna had gone down to Harrisburg on Buffalo bayou, where he never halted, but, after burning the place, moved on down the bayou to a point opposite the mouth of the San Jacinto river, or rather below there. Houston's army followed, found Harrisburg burned up, moved on down the bayou, and went into camp just above the mouth of the San Jacinto river. The Mexicans came back up the river and some skirmishing took place on the 20th. They camped that night not far from Houston's army.

The next day in the evening, Houston ordered us to attack the Mexicans. Sherman on the left commenced the fight. We were all on foot except a small cavalry force under Lamar. We moved down a slope slowly, but when we started up a long sloping ridge (the Mexican breastworks were on the top of it), we all went in double-quick. Every one of us was yelling: "Remember the Alamo! Remember Fannin!" In a little while the Mexicans broke and ran. Just back of their camp was low marshy land and a kind of lake. Many of them tried to cross, but they bogged down, and we shot them. A few got through, and we captured them next day.

Capt. Moseley Baker told me on the morning of the 22nd to scout around on the prairie and see if I could find any escaping Mexicans. I went and fell in with two other scouts, one of whom was named Joel Robinson, and the other Henry² Sylvester. We had horses that we had captured from the Mexicans. When we were about eight miles from the battle field, about one o'clock, we saw the head and shoulders of a man above the tall sedge grass, walking through the prairie.³ As soon as we saw him we started towards

¹Then known as Fort Bend.

²James A. See note 3 below.—EDITOR QUARTERLY.

³"On the morning of the 22d * * * a party was detailed and sent out under command of Gen. Burleson. This party proceeded in the direction of the bridge on Vince's bayou. * * * When we reached the bayou, we divided into squads of five or six persons. * * * The party I was with consisted of six, * * *. Their names are as follows:

him in a gallop. When he discovered us, he squatted in the grass; but we soon came to the place.¹ As we rode up we aimed our guns at him and told him to surrender. He held up his hands,² and

Miles, Sylvester, Thompson, Vermilion, another whose name I do not recollect, and myself. From the bridge we started down the bayou. After traveling about two miles, we saw a man standing on the bank of a ravine, some five or six hundred yards from us" (Joel W. Robinson in *Texas Almanac for 1859*, 166).

Yoakum, who cites as his authority a letter from James A. Sylvester to the *Telegraph* of August 2, 1836, says: "On the morning of the 22d, detachments were sent out to scour the country toward Harrisburg, * * *. A party of five, having reached Vince's, continued the search down Buffalo bayou. One of them, James A. Sylvester, while in the act of shooting a deer, discovered a Mexican pursuing his course toward the bridge" (Yoakum, II 146).

"Mr. Sylvester related, that he was, with two others, scouting near Vince's bayou, when, turning out of the road, some few deer were seen at a distance. 'Boys,' said one, 'stop here till I get a shot at those bucks.' Then riding cautiously through the skirt of the timber, at a proper distance from the deer, he dismounts, ties his horse, and, keeping his eyes on the deer, creeps cautiously towards them. All at once, he observes their heads and tails up, * * * and suddenly they leaped off. As their heads were turned from him, he knew something else had caused their alarm. He returns, remounts his horse, and, beckoning to his companions to come up, he tells them that something had frightened off the deer, and he would see what it was; and, starting off, they soon come to the spot, when, after looking about, they finally discovered a man lying in the grass (N. D. Labadie in *Texas Almanac for 1859*, 59).

"At eleven o'clock a. m., while I was crossing a large plain, my pursuers overtook me again. Such is the history of my capture."—(Santa Anna's *Report*. Translation in *QUARTERLY*, IV 271).

¹Robinson says: "He no doubt saw us first, for when we started towards him, he sat down on a high place, and waited till we came up"; and Yoakum: "He [Sylvester] called his companions and they rode up to the fugitive, who had fallen down in the grass, and thrown a blanket over his head." See references in note 3, p. 92, which will serve for all the remaining citations.

²"They called to him to rise, but he only uncovered his face. They repeated the request for him to rise two or three times, when he did so."—Yoakum.

"* * * Riding up to him, they ordered him to get up. Manifesting fatigue, he appeared unwilling to rise. One of them then said, 'Boys, I'll make him move,' leveling his gun at the same time. 'Don't shoot, * * *,' said the others; and, getting down from his horse, one of them gave him a kick, saying, 'Get up, * * *.' The man then slowly arose."—Labadie.

spoke in Spanish, but I could not understand him.¹ He was dressed like a common soldier with dingy looking white uniform. Under the uniform he had on a fine shirt.² As we went back to camp the prisoner rode behind Robinson a while and then rode behind Sylvester.³ I was the youngest and smallest of the party, and I would not

¹"I was the only one of the party that spoke the Mexican language. * * * I asked if he was an officer. No, he said he belonged to the cavalry."—Robinson.

"He advanced to Sylvester, and shook hands with him, * * *. He [Santa Anna] inquired for General Houston; they said he was in camp. They then ask him who he was. He said he was a private soldier."—Yoakum.

"As none of them understood Spanish, they could not talk to him. * * *." And on page 57, Labadie says, "Whilst I was * * * dressing the wounds of the prisoners * * *, Mr. Sylvester * * * rode up * * * conducting a prisoner. * * * He desired me to interpret for his prisoner * * *."—Labadie.

"On account of my change of apparel, they did not recognize me, and inquired whether I had seen Santa Anna."—Santa Anna.

²"Seeing the fine studs on the bosom of his shirt, they pointed toward them. He then said he was an aide to Santa Anna * * *. He was dressed as a common soldier, and had no arms."—Yoakum.

"He had on a glazed leather cap, a striped jacket (volunteer round-about), country made, coarse cotton socks, soldier's coarse white linen pants, * * *. His fine linen bosom shirt, and sharp-pointed shoes were all that did not correspond with a common soldier's dress."—Labadie.

"I found, in a house which had been abandoned, some articles of clothing, which enabled me to change my apparel."—Santa Anna.

³Santa Anna "asked me how far it was to camp. I told him eight or nine miles. He said he could not walk so far. The young man then wanted to kill him, * * *. He then said he would try and walk * * * some two or three miles. Santa Anna then stopped, and appealing to me, said if we wanted to kill him, to do so, but he could not walk any farther. I then took him up behind me, and carried him to camp, some five or six miles further. * * * We entered into a general conversation. * * * This brought us to camp. * * *."—Robinson.

"As he complained of not being able to walk, he was placed on one of their horses, and conducted to the camp by some of the party, Sylvester going in another direction."—Yoakum.

"One of them gave him his horse to allow him to rest, while the other two rode by his side, till they got within half a mile of the camp, when he was made to dismount; the one who had walked on foot now resuming his saddle, proceeded alone with the prisoner to the camp, the other two returning to scout through the prairie."—Labadie. As will be seen by reference to note 1 above, Mr. Labadie says this one was Sylvester.

agree to let him ride behind me. I wanted to shoot him. We did not know who he was. He was tolerably dark skinned, weighed about one hundred and forty-five pounds, and wore side whiskers. When we got to camp, the Mexican soldiers, then prisoners, saluted him and said, "*el presidente*."¹ We knew then that we had made a big haul. All three of us who had captured him were angry at ourselves for not killing him out on the prairie, to be consumed by the wolves and buzzards. We took him to General Houston, who was wounded and lying under a big oak tree.

The remainder of the story of the battle others have told. It is history. I have told what I saw as a young private; I was not seventeen years old. The causes of the discontent and the troubles with Mexico I did not then know. History tells all that. As a boy all I knew was that we had a row on our hands, and they wanted men to fight. I thought I could kill Mexicans as easily as I could deer and turkeys.

In 1842 I helped General Burleson whip the Comanches at the Plum Creek fight, and in 1848, during the Mexican war, I went out again under Claiborne Herbert. Still later, in 1861, I went again, this time to Virginia, and served in Hood's brigade in the Fifth Texas. During the war with Spain I was very much troubled because I was too old to go.

In testimony of which I hereunto sign my name this 31st day of May, 1900.

[Signed]

S. R. BOSTICK.

STATE OF TEXAS,
COUNTY OF SAN SABA.

Before me the undersigned, a notary public in and for the county and State aforesaid, this day personally came Sion Record Bostick,

"This brought us to camp, when the Mexicans immediately announced his name. He asked to be taken to Gen. Houston, and was then taken to him."—Robinson.

"The distinguished prisoner * * * was handed over to Colonel Forbes, at the guard lines; and * * * desired to be conducted to General Houston. * * * On the way, the Mexican prisoners exclaimed, '*El presidente!*'"—Yoakum.

Labadie says the Mexican lieutenant, whose arm he was dressing when Sylvester turned to go to General Houston with his prisoner, whispered to him, "*Est [sic] El Presidente,*" and leaves the impression that Sylvester in person conducted Santa Anna to where Houston lay.

to me well known to be the person whose name is subscribed to the above and foregoing statement and after being sworn as to the truth of the statements therein made, declared the same to be true according to the best of his recollection and acknowledged to have signed the same and declared that he had done so for the purposes and considerations therein stated and set forth.

Witness my hand and the impress of my notarial seal
[SEAL.] at my office in San Saba county, this 31st day of May,
1900.

JOE F. BROWN,
Notary Public, San Saba county, Texas.

THE CONNECTION OF PEÑALOSA WITH THE LA SALLE EXPEDITION.

E. T. MILLER.

In the discovery and exploration of North America the sterile, frigid Northeast fell to the lot of France. Verrazano and hardy fishermen dared early the northern seas, but authentic title was won for France by Jacques Cartier, who, in 1534-35, breasted the currents of the St. Lawrence as far as Mont Royale (Montreal) where his progress to China was checked by the Lachine rapids. Nothing successful in the way of exploration and colonization of the country was achieved, however, until the time of Henry IV, when throughout his reign, and next during that of Louis XIV, trader, soldier, and priest carried French influence slowly southward and westward along the Great Lakes, adding the vast possession of Louisiana and, finally, planting a colony upon the coast of Texas.

The connecting link between Canada and the establishment in Texas was the Mississippi river. The rumors of this great river that had been borne to the French by the Indians had worked greatly upon their imagination and multiplied speculation. There were conjectures that it might empty into the Vermilion sea, or that it might flow east and find its outlet in Virginia;¹ but such were set at rest when Joliet and Marquette, in 1673, reached the river and voyaged down it as far as the Arkansas. For fear of capture by the Spaniards these two explorers did not go farther down the river, but they reasonably conjectured that it emptied into the Gulf of Mexico. Their work was crowned by La Salle, who, in 1682, reached the mouth and proclaimed the lands drained by the great river and its tributaries to be Louisiana and the possession of the King of France.

As it had been, previous to his determination of the course and outlet, so afterward more than ever was the Mississippi the chief subject of La Salle's speculations and the inspiration of his movements. His activities in the western part of New France, the consummation of which had been the descent of the Mississippi, had

¹French, *Historical Collections of Louisiana*, I 49.

been pursuant to letters patent granted him by the king, May 12, 1678.¹ The discoveries made under this grant were reported by La Salle in a memoir presented shortly after his arrival in France, December 23, 1683.²

In this memoir there is to be found much in explanation of his return and also the key to his next enterprise. He announced in the beginning of it the happy fulfillment of the wish expressed by Colbert of discovering a port for the king's vessels in the Gulf of Mexico; and for rendering this service he asked to be continued in the title and government of Fort St. Louis—an apparently simple request. This fort was the sole representative of all his efforts and expenditures of the preceding five years. It had been established in this wise. Fort Frontenac on the northern shore of Lake Ontario had begun to prove a disadvantageous situation for the fur trade, since the French traders there could no longer compete for the Iroquois service with the English at Albany; a vast individual trade carried on by the Frenchmen had also disorganized the trade of the company, and both these causes, with the promise of an undeveloped interior, had been instrumental in turning La Salle westward. As a part of this movement he had established, in 1682, Fort St. Louis on the Illinois, and had gathered around it the Illinois and other Indian tribes that sought protection against the hostile Iroquois. These allied savages, more than eighteen thousand in number, formed, he conceived, the beginning of a colony in which they were to be the factors in a great and lucrative trade.

Before leaving this last time for France, however, La Salle had experienced much misfortune in his efforts and faced the prospect of failure in his plans. He had seen his friend Frontenac replaced as governor; the Iroquois threatening an outbreak, thus imperiling trade; his enemies active; his creditors pressing; and to crown all his ill-luck the new governor take possession of both Fort Frontenac and Fort St. Louis, upon the ground that his trading privilege had expired. There was thus a deep significance in the simply stated request for the restitution of his fort.

La Salle proposed in this first memoir to return to the country

¹French, *Historical Collections of Louisiana*, I 35.

²*Ibid.*, I 37.

of his discovery by way of the Gulf of Mexico, to ascend the Mississippi, and to establish a fort on it lower down than Fort St. Louis. He urged this establishment on the grounds, first, that it would be a means to extend to the heathen the services of God; second, that it would serve as a base for the subsequent conquest of New Biscay; third, that it would prove a port for the king's vessels, as well as a key to a vast region highly favored in climate, soil, and every kind of natural wealth. For the execution of this enterprise he asked for one vessel, arms and munitions, and the transport, maintenance, and pay of two hundred men during one year.

La Salle saw in this new country the possibilities for a New France far greater and richer than that of the north. His appreciation of its commercial importance was shown in the detailed account he gave of its products and latent wealth. Everything that had enriched New England and Virginia, such as hemp, salted meat, tallow, corn, cotton, sugar, tobacco, honey, wax, resin, and other gums could be obtained, he said. Cattle could be raised in large numbers. Buffaloes, bear, otters, stags, hinds, roes, lynxes abounded, and the hides and furs of these animals were easily and cheaply procurable from the Indians, who did not know their true value. Forests of mulberry trees foretold the silk industry, and from the cochineal, nuts, vines, and apples there could be made dye, oil, wine, and cider. Horses, oxen, swine, and fowls were to be found in different parts of the country, and their great number would obviate the necessity for any importation. Settlers would be induced to come into this country, he said, because of the ease with which they would be able to maintain themselves by the cultivation of the soil and by the production of articles of commerce. He contrasted, too, the ease of gaining a livelihood in this land of navigable streams with the fatiguing journeys over vagrant courses which the inhabitants of New France were compelled to make in hunting peltries.

These were the considerations uppermost in La Salle's mind on his return. He had left France and had gone to the New World to seek his fortune, and now, after disappointments and difficulties that would have dismayed a less dauntless man, the land of promise lay spread before him.

The exploration of this new and inviting field was a scheme too vast for individual initiative, and to La Salle, whose financial con-

dition was hopeless through his losses, it was particularly impossible. He saw that he must depend upon royal assistance, which it would require very strong inducements to enlist under any circumstances, and especially at this time, as war with Spain was threatened. It is, therefore, probable that La Salle took advantage of the strained relations, and incorporated the designs against New Biscay with its rich silver mines as a politic appeal to the cupidity of Louis XIV, to whom, trusting as he did the fortune of war to the last louis d'or, the prospect of wealth would offer no slight inducement.

La Salle made the feature of the design against New Biscay the subject of a separate memoir.¹ Herein he proposed to fortify a point sixty leagues above the mouth of the river Colbert (Mississippi). In the event war should be declared with Spain he agreed to proceed from this base with two hundred and fifty Frenchmen, fifty buccaneers, and four thousand savages from Fort St. Louis; to attack the province of New Biscay with three different divisions of his army; and, seconded by the subject classes which groaned under the slavery of the Spaniards, to win from the enervated soldiery an easy victory. But should the peace of Europe postpone the execution of this design, still, he maintained, the establishment would be an advantageous commercial post and necessary to prevent anticipation in the new country by other nations.

At about the same time that La Salle presented these memoirs, proposals of a similar nature were made to the court by the Count of Peñalosa, a Spanish renegade in Paris.²

His first memoir,³ dated January 18, 1862, proposed the establishment of a colony at the mouth of the Rio Bravo. Besides the advantages such a colony would possess in establishing trade with the neighboring tribes, in raising cattle and producing goods for shipment to France, and in exploiting the mineral wealth the country contained, Peñalosa represented that it would serve as a

¹French, *Historical Collections of Louisiana*, I 25.

²Peñalosa had been governor and captain-general of New Mexico from 1660 to 1664. He had incurred the hatred of the Inquisition, and had suffered at its hands the loss of his rank and fortune. After futile attempts to reach Spain to demand justice, he put himself under the protection of Louis XIV.

³Shea, *Peñalosa's Quivira Expedition*, Introd., p. 12.

base for an expedition for the conquest of New Biscay, whenever the king should desire it. The mines of this province, because of the weakness of the armed forces and of the distance from the City of Mexico whence help would be available, could be easily captured, he said, by the filibusters composing his army, assisted by the Indians, mestizoes, mulattoes, and creoles, who were all bitterly opposed to the yoke of Spain.

In January, 1684, shortly after La Salle's arrival in France, Peñalosa submitted another memoir, which contained some modification and amplification of his previous one. Instead of settling at the mouth of Rio Bravo he offered to go straight to Pánuco, and with one thousand or twelve hundred filibusters from San Domingo to seize the Spanish settlement there, and to proceed thence to the capture of the entire province. The facility of the conquest and the ease of maintaining it were plausibly set forth in much the same terms as those in his first memoir. For the success of this enterprise he asked for two vessels, one of thirty-six, the other of thirty, guns, equipped with everything necessary for maintenance and security. He further asked for two commissions, one for himself as governor of all the land he should conquer, the other for the chief of the filibusters as king's lieutenant.

The correspondence in the two plans of La Salle and Peñalosa, the adaptability with which they would lend themselves to co-operation, and stray references forcedly misinterpreted or unduly magnified in importance, have furnished foundation for the theory that the two proposals were combined by the government, that La Salle was dispatched first to execute his part of the scheme, and that the failure of Peñalosa to co-operate was due to the peace of Ratisbon concluded between France and Spain, August 15, 1685.¹ Shea in behalf of this theory goes so far as to contend that La Salle went designedly past the mouth of the Mississippi and landed in the region now known as Texas in order to establish there a base of operations.² Such a theory explains away some of the difficulties connected with the subject of the expedition, and apparently its advantage in this respect alone has commended it to some historians;³

¹Winsor, *Cartier to Frontenac*, 309.

²Shea, *Peñalosa's Quivira Expedition*, Introd., p. 22.

³Winsor, *Cartier to Frontenac*, 309.

but more difficulties are raised by such a theory than are settled by it, the mass of evidence undoubtedly being against it.

Without here going into the question of the relation that may have existed between La Salle and Peñalosa, it is plain that their proposals so far indicated were separately and individually submitted to the king for the accomplishment of a like design. They seemed each to be bidding in separate and complete propositions for the work of pillaging New Biscay. But in the two memoirs presented later there is an expressed recognition by each of the other's proposal. La Salle in his first memoir had disparaged the plan of attacking Pánuco,¹ thus directly antagonizing Peñalosa, but in what is known as the second proposition there is an incorporation of this part of Peñalosa's plan. "These two different ways of conquering New Biscay,"² he says, "could be put into effect without much expense. One of the vessels could be chosen or both together in order to attack the Spaniards of this same province by two different routes. In this case the two vessels demanded for the first proposition³ would suffice for both, because going across the Gulf together the one would go to Pánuco and the other to the mouth of this new river which is only sixty leagues from it."⁴

This second proposition is concerned almost exclusively with the design against New Biscay. At about the same time—in February, 1684—Peñalosa presented a third memoir⁵ in which he devoted himself entirely to the designs against the province, amplifying the details of his plan as before submitted and investing all with an alluring plausibility. He proposed to capture Pánuco, march to the

¹French, *Historical Collections of Louisiana*, I 29.

²The first of these two different ways is to go to the Mississippi, and in the event of war with Spain, to attack the province from the fort he would establish on the river. The second is the alternate of this one. It provides that La Salle return by way of the gulf to Fort St. Louis, and there put things in readiness to execute his designs when it should please the king to order him.

³This cannot be construed to refer to Peñalosa's proposition. La Salle's first proposition (see note above) asked for two vessels for its execution, one a regular war ship, the other a bark to transport the men.

⁴Margry, *Découvertes et établissements des Français*, III 58.

⁵Ibid., III 63.

capital city, Durango, then proceed to the seizure of Culiacan on the Pacific. When the mines had been captured and the country fortified he planned that he would apply himself at Culiacan to building ships with which to wage war on the Spaniards. All this, however, was but one of his designs. The other, which was the chief one and which, he said, he had guarded carefully as a secret up to this time, was to get control of the entire country of New Biscay without the firing of a single shot, but by means of letters to the creoles and to his relatives and friends. As indispensable to the success of his plan, he asked to be allowed to start at once for San Domingo that he might arrive there before September. At this time the freebooters would be returning from their voyages, and he could employ the winter in selecting from among them the force which should constitute his army. The two vessels he had asked for meanwhile could winter safely, he said, at Petit Goave, and in April the expedition would be ready to start.

As evidence of Peñalosa knowledge of La Salle's proposal there is contained in this third memoir the following in advocacy of co-operation: "It is very much to be wished that it will please his majesty to send promptly the Sieur de la Salle with the necessary aid, in order that he may go by the way of the Gulf of Mexico to ascend his river and assemble the savages in an army corps with which, from the month of September next, he intends to enter New Biscay. * * * The enterprize of the Count of Peñalosa and that of La Salle will serve to support each other. The latter will begin from the approaching winter to spread terror in that part of New Biscay which is along the river he has discovered; and the Count of Peñalosa coming afterward to Pánuco with the little army of filibusters will find it more easy, following his plan, to penetrate to the South Sea; and these two chiefs can accordingly give each other aid to assure their mutual safety, and following the orders of his majesty divide their conquests into two beautiful rich governments, which will bring each year into France considerable riches, and to his majesty a new glory in having extended his victories and conquests into the new world."¹

A comparison of the preceding memoirs, three from each petitioner if the one of La Salle reporting his discoveries be included, reveals the development of the plan of the enterprize. The first

¹Margry, III 69.

memoir of each, although accentuating the design against the mines of New Biscay, is careful to balance it with the advantages that would arise from a commercial colony. In the second set this latter phase is minimized. Of the two last, Peñalosa's deals exclusively with the plan of conquest and with the wealth to be seized, while La Salle's presents the other feature as well. This divergent way of estimating the value of the expedition can well be ascribed to the difference in nationality and past activity of the two proposers.

The memoirs show in many respects very noticeable agreements. These have reference mainly to the location of New Biscay, to the climate, to the fertility of the soil and the products of the country bordering on it, to the advantages of the conquest, to the ease with which it could be effected, to the number of soldiers in the province and their enervated condition, to the maintenance of the conquest, to the unavailableness of succor from Mexico, and to the revolt of the subject classes. Similarities in respect to these details are taken as internal evidence that there were personal relations between La Salle and Peñalosa. Their presence together at a dining,¹ the recognition of each other's plans as expressed in their last memoirs, and the perfectly natural belief that circumstances would throw two such men together, leave little ground to doubt that there was consultation as to the projects they had in hand. Peñalosa's residence in New Mexico had furnished him above most others with a knowledge of the country such as was indeed pertinent at this time, and unless it is accepted that he is the source of La Salle's information it is difficult to explain the striking correspondence between the memoirs of the two.

In definite support of the theory that coöperation in the plans existed, the last memoir of Peñalosa, in which it was stated that they would support one another, has been advanced. The bold suggestion herein is undeniable, but it is *ipso facto* a suggestion only. Besides there being no official documentary evidence that it was accepted by the government, there is no corresponding specification of such a thing in any of La Salle's memoirs to afford foundation for the claim. The suggestion is purely from one side and is made with an eagerness suspicious of desperation. Peñalosa probably saw the meagre chance of recognition that such an adventurer as he

¹Margry, II 428.

had against La Salle, and as a last hope resorted to the proposal of linking the plans of the two. La Salle, however, included the plan of attacking Pánuco, and thus striking at the Spaniards by two different routes, as a part of his own single enterprise; and it was offered only as a secondary scheme to his other propositions. He conceived its execution without reference to any coöperative expedition,¹ and failed utterly to accord his fellow petitioner the charity of a recommendation, which oversight was in strong contrast to what was done unto him.

By the assimilation of Peñalosa's plan La Salle disposed of competition, and he must have believed too that his proposition thus complete in itself would appeal by reason of its simpler and more economical way of accomplishment more strongly to the king than would a double and vastly more expensive expedition. The result of the proposal justifies this theory. La Salle was granted a commission by which he was authorized to found colonies in and to govern the vast territory he had explored, from Fort St. Louis on the Illinois river to New Biscay on the south. The number of vessels granted to him was greater than he had asked for to execute the design. Instead of one vessel of war and a bark to be used as a transport, there were appointed two vessels of war, one carrying thirty-six, the other six, guns, a flyboat and a small ketch. This liberal grant on the part of the government, unsought so far as is known, was unusual, and it would have been still more unusual if another expedition was to have followed, requiring likewise a large expenditure.

The correspondence of Beaujeu has been adduced in support of the theory of coöperation.² In a letter to Cabaret de Villermont, Beaujeu, referring to La Salle, says: "He told me that we were only the forerunners of the man whom we went to see the morning that we dined at M. Morel's, and that he would surely follow us next year with considerable forces: that the Marquis de Seignelay wished it to be this year, and this had been intended, but that it had been deferred till next year on his asking the rest of this and an experienced man to reconnoiter the parts well."³ Those who

¹Margry, III 58.

²Shea, *Peñalosa's Quivira Expedition*, Introd., p. 22.

³Margry, II 428.

believe in the theory of coöperation point exultingly to this extract as irrefragable proof of their contention. Accepted just as found, it is as damaging as if it were manufactured for the purpose; but there are considerations which when taken into account give a different aspect to its unqualified reception. So important a declaration as is here found would naturally warrant the inference that Beaujeu was well acquainted with the plan of the expedition and that its purpose had been confided to him, but difficulty in ascribing any such knowledge is found in the very letter from which the above extract is taken. It appears that even so late as that time, June 5, 1684, Beaujeu had no definite idea of what was to be done, but was under the impression that the expedition was to go first to Canada and thence to the Gulf of Mexico.

His wife was a Jesuit and for this reason La Salle distrusted him, fearing that this order should become acquainted with the purpose of the enterprise. Beaujeu in a previous letter to Villermont had remarked upon the suspicion with which La Salle regarded him and the uncertainty in which he was kept as to the object of the expedition. This is voiced more than once in the correspondence,¹ and there can be hardly any other conclusion from it than that La Salle did not tell him the secret of the expedition until the success of the enterprise demanded it. It is thus difficult to reconcile this extract and its implications with La Salle's confessed attitude.

The correspondence between Beaujeu and Villermont was itself a source of suspicion and irritation to La Salle.² It was after he had been reproached by La Salle on account of it that Beaujeu confessed in a letter to Villermont that La Salle had not told him the secret of the expedition, and that all he knew about it he had learned from the *Holland Gazette*.³ In this confession there is to be had the explanation of much of the matter that Beaujeu palmed off as authoritative disclosures of La Salle, and it is indicative of the conjectural value which may be placed upon that part cited in support of the claim of coöperation.

The essential part of the plan of coöperation as reported by Peñalosa was that he should proceed at once to San Domingo to collect

¹Margry, III 434, 438, 450.

²Ibid., III 438.

³Ibid., III 441.

the army of filibusters necessary to the execution of his part of the plan and to put himself in readiness to descend on Pánuco in April¹ of the following year. But the absence of any evidence that he went on any such mission is as noteworthy as the absence of any other evidence to indicate that his proposal received official recognition.²

The explanation of the failure of coöperation as due to the conclusion of the peace of Ratisbon³ supposes a delay in the part Peñalosa was to perform that does not at all accord with the urgency he suggested, and which could not well have been disregarded by the government had coöperation been planned. Nor can the stoppage of La Salle at the island of Petit Goave and the report that he transacted "affairs of the utmost consequence" with M. de Cussy⁴ be construed to concern the work Peñalosa proposed to accomplish, for it was a part of La Salle's plan to engage filibusters here, and the engagement of these and the affairs generally of the expedition might very well have occasioned this stoppage and the consultation with the governor.⁵

There does not occur in any of the journals of the expedition any thought of the Southwest, whence help would naturally be expected from Peñalosa; but, on the other hand, La Salle's efforts were ceaselessly turned in just the opposite direction. Even as late as the beginning of the year 1687, he, consistently with his former movements, turned for aid to far distant Canada, though by this time, surely, if coöperation had been planned and he had had any confidence in his own and Peñalosa's estimation of the weakness of New Biscay—which each had proposed to conquer alone—he might in reliance on Peñalosa's formidable army have sought assistance in that region which according to his confused geographical ideas was very near.⁶ It is, indeed, quite impossible to reconcile his

¹This corresponds to the season when La Salle thought he would be ready to complete his conquest.

²Bancroft, *North Mexican States and Texas*, I 393.

³Winsor, *Cartier to Frontenac*, 309.

⁴French, *Historical Collections of Louisiana*, I 89-90.

⁵*Ibid.*, IV 189.

⁶*Ibid.*, I 28.

movements in Texas with the plan of coöperation; for, even if it were admitted that he had left France in the belief that Peñalosa would follow, there could have been no way by which he had been later apprised of any revocation made by the government in consequence of the peace that had been concluded with Spain.

The extract from the journal of Abbe Cavelier which runs: "We turned all our hopes to the succor that the king might be able to send us from France, and we awaited it in patience till the end of the year 1686," is cited also in support of the theory that there was to have been coöperation.¹ But it requires a forced interpretation to do this, since the succor might more plausibly refer to that which could well be expected to follow upon Beaujeu's return to France and his report of the misfortunes attending the landing of the expedition on the coast of Texas.

Shea believes that as a part of the plan of coöperation La Salle went designedly past the mouth of the Mississippi to Texas in order "to pave the way for Peñalosa."² The basis for this belief he finds in the journal of d'Esmanville, wherein the latter asserts that in response to the request he made of La Salle for his last resolution, La Salle told him that he was resolved to take some soldiers against the Spaniards in New Biscay, since he was in the country where the king had sent him, but that this should be kept a secret except from the Abbe Cavelier.³

D'Esmanville was a Sulpitian priest whose timorousness caused him to return to France with Beaujeu, not quite two months after the landing in Texas. It is rather strange that one of his stripe should have been the man of all those composing the expedition to whom La Salle confided his secret, especially when there were others much closer to himself. Then, too, the suggestion that La Salle would under such circumstances embark a handful of soldiers to operate against New Biscay is preposterous. There can be but little doubt that d'Esmanville was seeking to magnify unduly his

¹Shea, *Peñalosa's Quivira Expedition*, Introd., p. 22; Winsor, *Cartier to Frontenac*, 313.

²Shea, *Peñalosa's Quivira Expedition*, Introd., p. 22.

³Margry, II 515. This request was made by d'Esmanville in view of the contemplated landing on the Texas coast, January 20, 1685.

relation with La Salle, or that he was offering an explanation for his forsaking the expedition.

From Joutel, the reliable historian of the expedition, it is learned that the proposed landing which occasioned the supposed divulgence of confidence on the part of La Salle was due to the need of fresh water and to La Salle's desire to learn something of the country.¹ And not only does Joutel show that La Salle was engaged in seeking the outlet of the Mississippi in the Gulf,² but that after entering St. Louis bay (Matagorda) he believed he had reached one of the mouths of the river.³ La Salle's letters to Beaujeu were dated "à l'embouchure du fleuve Colbert"⁴ and only a few days before Beaujeu's departure he wrote to Seignelay that he had reached the western mouth and would soon begin the ascent.⁵ Both he and Beaujeu believed that the main mouth of the river was farther east, at the place where they had observed the shoals on January 6th,⁶ and where La Salle was prevented from going ashore by the pilots.⁷

Minet, the engineer of the expedition, who returned to France with Beaujeu, in a map of 1685, conforms the course and outlet of the river Colbert (Mississippi) to Matagorda bay,⁸ thereby indicating that he believed La Salle had reached the river.

his doubts about its being an arm of the Mississippi.⁹ This expedition to explore the river on which he was situated in order to clear his doubts about its being an arm of the Mississippi.¹ This expedition resulted in the finding of a more desirable location for a settlement, and Fort St. Louis was later established there.¹⁰ From

¹Margry, III 132.

²Ibid., II 559; III 123-124, 126, 135, 139, 153.

³Ibid., III 147; French, *Historical Collections of Louisiana*, IV 191.

⁴Ibid., II 540, 546. See also letter to Seignelay, Ibid., II 559.

⁵Ibid., II 559-560.

⁶Ibid., III 135.

⁷Ibid., III 123.

⁸In Winsor's *Cartier to Frontenac*, 316, this map is shown.

⁹Margry, III 164.

¹⁰Ibid., III 163, *et seq.*

this fort two expeditions were undertaken, one in October, 1685,¹ the other of April 1686,² with no other purpose in view but to find the "fatal river"; and it was failure in both of these and need of succor on the part of the colony that led to the third expedition, in January, 1687, which set out for France by way of Canada,³ and in the early part of which La Salle met his death.

Further proof that the Mississippi was the object of La Salle's efforts is found in the memoir of Sieur de Tonty, commander at Fort St. Louis on the Illinois. Herein he tells that de Denonville, Governor of Canada, had informed him by letter, during the autumn of 1685, that La Salle was engaged in seeking the mouth of the Mississippi, and that this information led to his journey down the river and search up and down the coast for the expedition.⁴

The planning in plain and unmistakable terms to go to the Mississippi and the desperate efforts made to reach it not only refute the charge that the landing in Texas was intentional, but connect us with the real purpose of the expedition. The absence of any movements towards New Biscay, which, if coöperation had been planned, could have been as easily made from Fort St. Louis with the assistance of the Cenis savages as from a fort on the Mississippi, is evidence that the design against this province was not as seriously entertained by La Salle as the memoirs he addressed to the king apparently indicate. Parkman believes that the design was the lure with which he invited the assistance of the king in reaching the Mississippi and establishing there a commercial colony which would command the rich and extensive countries bordering on that river, and that he trusted to the conclusion of peace to prevent its execution.⁵ And this conclusion as to the purpose of the expedition seems the most satisfactory one. For the success of this purpose no coöperation was needed, and the claims that such existed are besides, I believe, unsupported by the evidence.

¹Margry, III 189.

²Ibid., III 122.

³Ibid., III 260.

⁴French, *Historical Collections of Louisiana*, I 67.

⁵Parkman, *La Salle*, 328.

BIBLIOGRAPHICAL NOTES.

The work referred to above as Shea's *Peñalosa's Quivira Expedition* appeared in 1882. The full title is *The Expedition of Don Diego Dionisio de Peñalosa, Governor of New Mexico from Santa Fe to the River Mischipi and Quivira in 1662, as described by Father Nicholas de Freytas, O. S. F. With an account of Peñalosa's projects to aid the French to conquer the Mining Country in Northern Mexico; and his connection with Cavalier de La Salle.* Mr. Shea's introduction to this relation remains the most radical formulation of the theory that La Salle was to have been seconded by the Count of Peñalosa in the proposed conquest of New Biscay. The reputation which Mr. Shea had as a scholar insured its serious reception as a contribution to historical criticism, and the judgment he expressed in it has had more or less acceptance as final among historians. This acceptance is difficult to understand, except on the ground that they, out of confidence in the author, have admitted his theory without investigation; for, the most that has been said in opposition to it has been the mere expression of doubt as to its correctness. There has been no systematic attempt at refutation. Mr. Shea has clearly used this work as a means of making a very sharp attack upon La Salle. Some of his accusations are so slightly founded and so dogmatically presented, that it would seem he had lost his judicial balance and was actuated by a somewhat questionable zeal. The Freytas Relation of the discovery of the country and city of Quivira and other matters relative to Quivira takes up the larger portion of the work. It is this that affords Mr. Shea occasion for the promulgation of his theory. In the Relation, he claimed, was to be found "the real secret of La Salle's last expedition," but just where and how, he fails to show. It is true he endeavors to identify this Relation with one that La Salle had extracted from the library of M. de Seignelay, which gave a description of the Mississippi river and its mouth, but there is error in such an identification, as the Freytas Relation contains no description of the mouth of the Mississippi. Mr. Shea seems likewise to have gone astray in crediting Peñalosa with having really made the expedition which is described by Freytas. Bancroft has shown well-nigh conclusively that it was an invention which was based on the account of the previous Oñate expedition, supplemented by Indian tales and an active imagination.

The Margry Collection, the title of which is *Découvertes et établissements des Français dans l'ouest et dans le sud d'Amérique septentrionale* consists of six volumes, the first three of which relate to La Salle. The edition I have used is dated 1879-88. Volumes II and III bear directly upon the Gulf expedition and furnish the most valuable and generally accessible sources that we have relative to the explorer and his enterprise.

In Part I (1846) of French's *Historical Collections of Louisiana* are to be found the memoir of La Salle (1678) relative to the necessity of fitting out an expedition to take possession of Louisiana, that (1682) reporting the discoveries that were made under the letters patent of 1678, the memoir of Tonty, and Joutel's *Historical Journal*. In Part IV are Le

Clerc's *Account of La Salle's attempt to reach the Mississippi by sea*, and Douay's *Narrative of La Salle's attempt to ascend the Mississippi in 1687*.

Joutel's Journal is by far the most reliable and otherwise valuable account of the Gulf expedition, and the different versions of it make a few words of explanation necessary. Joutel, who was the historian of the expedition, and one of the few survivors, carried this Journal with him on his return to France October 9, 1688. There was no early publication of it, but in 1713 there appeared in Paris a work entitled *A Journal of the Last Voyage Performed by Monsr. de la Sale to the Gulph of Mexico*, etc., and in etc., and in the following year, 1714, an English translation of the same in Paris and London. This work was in fact nothing but an edited account of what Joutel had written, as it is stated in the preface that his manuscript had been submitted to M. de Michel, who "was a proper Person to judge of it and put it into a Dress fit to appear in publick." The Journal in its completeness was published for the first time in 1879 in the Margry collection, and when compared with it the previous version is found to be greatly abridged, differently arranged in part, and to contain some additions. The abridgement and difference in arrangement are easily explainable, but there is difficulty in accounting for Michel's source of information for the additions that were made. Mr. French, in his *Collections*, follows the abridged English edition of 1714, which is, it is unnecessary to say, inadequate to a full and satisfactory knowledge of the expedition so far as it is to be gained from Joutel.

REMINISCENCES OF TEXAS AND TEXANS FIFTY YEARS AGO.

W. D. WOOD.

When we look backwards into the long ago, and conjure from the recesses of memory the scenes and incidents of fifty years past, time plays at witchery, making real the shades and shadows that flit across our recollection, in the midst of which we seem again to live and move and have our being. The old soldier loves to tell of the incidents of his soldier life, and in the telling fights his battles over again. The old man is garrulous, and he delights to recall the men and the occurrences of his earlier days and set them moving, in his mind's eye, upon the stage of action, as if they were a part of the actual living present. As an old man, I propose to make a note of some of the things I saw and heard, and of some of the men I knew in Texas fifty years ago.

By no means do I intend to write my own biography. Suffice it to say, by way of introduction, that I am a native of North Carolina, reared mainly in the State of Indiana. This latter State I left when twenty-two years of age for Texas by way of Alabama, with no other fortune than a license to practice law issued by the supreme court of Indiana and the hope that animated thousands of others who came to Texas of bettering my condition in that then new State. Arriving in Alabama I found my means exhausted; so perforce I halted in that State and taught an old field school, in order to obtain means to complete my journey. From Alabama I walked to Texas, and arrived at Centerville, Leon county, on the 14th day of November, 1851. My brother, who was a printer, accompanied me. As we had no means, and meat and bread, clothes and shelter, were practical pressing necessities that could not be well ignored or put off, we concluded to start a newspaper at Centerville, if we could raise the money to buy the plant. We thought that the novelty of the thing, in what was then almost a wilderness, would attract attention and patronage and thus give us an occupation that would enable us to earn our daily bread. We

found a friend who thought he could take the chances, and he loaned us the money, and we ordered a Washington hand press and the necessary type for a small newspaper from New York. After many delays and mishaps, the plant was finally landed at Cairo on the bank of the Trinity river by the old steamboat, Jack Hays. In the spring of 1852 we got out the first issue of the paper. It was called the "*Leon Pioneer*." It was, indeed, a pioneer, for it was located in a section of the country that had never before been invaded by a newspaper. It was a great novelty and attracted attention and patronage. The people came from far and near to see it, and considering the paucity of population it was liberally patronized. We ran the paper for three and a half years, making out of it a support, and in addition money enough to pay off what we had borrowed. We sold the press and type to John Gregg and Morris Reagan (the latter a brother of Judge John H. Reagan) who moved them to Fairfield, Freestone county.

In 1851, there were but few newspapers in Texas. The writer remembers the *News* and the *Civilian* at Galveston, the *Advocate* at Palestine, the *Item* at Huntsville, the *Ranger* at Old Washington, papers whose names I have forgotten at Austin, LaGrange, and Nacogdoches,¹ and some two or three in the Red river section of the State. The *Pioneer* had the legal advertising of the counties of Houston, Leon, Madison, Brazos, Falls, Hill, Navarro, Robertson, and Freestone. The publication of the paper was surrounded with difficulties. Communication with the outside world came principally through the town of Huntsville, which at that time was considered the Athens of Texas. There was a weekly mail from Centreville to Huntsville—that is, the mail came over the line, on the back of a mule, once a week in dry weather. When the floods came and Bidias creeks became raging torrents, we were often from two to four weeks without a mail. In the language of old Tom Thurman, the mail carrier, all that was necessary to render the Bidias impassable was one or two lonesome thunders on the head

¹The paper at Austin referred to was probably the *State Gazette*, though there seems to have been another, the *Southwestern American*, which was published in the city at that time. The Nacogdoches paper was the *Times*, and that at LaGrange was the *Texas Monument*. See Gray's *History of the Texas Press* in *A Comprehensive History of Texas*, II 381, 387, 391, 392, and Mrs. Sinks's *Editors and Newspapers of Fayette County, QUARTERLY*, I 34-37—EDITOR QUARTERLY.

of these creeks. In the interval between mails, the editor of the *Pioneer* had to manufacture news out of his inner consciousness as best he could. Frequently paper had to be transported from Huntsville on horseback. Sometimes it could not be obtained at all, and to save legal advertisements the weekly issue was got out on common wrapping paper. These were some of the difficulties that attended the publication of a newspaper in Texas in the early fifties.

At this writing there are five newspapers in Leon county, and the iron horse goes scurrying through the county four or five times daily, harnessed to the United States mail car, distributing the news from every part of the world. The contrast between the present progressive Texas and that of fifty years ago is indeed wonderful. The same blue sky, the same serene moon and stars that shone fifty years ago are still above us, but all else, how changed! We seem now to breathe another atmosphere, to inhabit another world. Then was the time of laying the foundation on which the greatness of Texas was to be builded; now we witness the grand results of fifty years of progress and development.

In the early fifties, the principal staples in trade were land and land certificates. Surveying and the location of certificates was an important business; but land and land certificates were cheap and could at that time be had for what would now be considered a song. It was the impression at that early day that only the timbered portion of Texas was adapted to agriculture. The vast prairies of the State were considered valueless, except for grazing and raising of stock. Under this belief, east Texas, the timbered portion of the State, had been nearly all covered with certificates, and the prairie portion was of necessity the scene of operations of the land locator and the surveyor. The section of the State of which the city of Dallas may be considered the center, and which is now prized as the farmers' paradise, was believed to be worthless for farming. It is a fact that the settlers in that section, in the early fifties, came down to Freestone, Leon, and other timbered counties east of the Trinity for their supplies of corn, believing that they could not successfully raise it in the prairies. It was in that day laid down as a certainty that farming could not succeed west of the Brazos.

At the time of the revolution in 1836, the American population of Texas was very limited. Those entitled to headrights and bounty

and donation certificates for military service under the laws were too few for the vast number of certificates that were issued. To sift the genuine from the fraudulent, the government was compelled to establish what was known as the Traveling Board of Land Commissioners, to which board all land certificates had to be submitted for approval or rejection. This board rejected hundreds of certificates as fraudulent. That all of the fraudulent certificates were rejected by it is not probable. Doubtless many of these certificates were obtained by men who were not citizens of Texas at the time of the revolution, and who took no part in the struggle for independence, but who came to Texas after it was over in order to take advantage of the liberality the government of the Republic manifested towards her citizens and defenders in that crisis. Some of the fraudulent certificates perhaps may be attributed to the sentiment that prevailed among a few of the old settlers of Texas, who staked their lives and fortunes against the Mexicans and Indians, and who by perseverance and indomitable courage had finally won—that is to say, they felt that the land was theirs by the right of conquest, and that they were justified in taking it in preference to the men who came later and had borne no part in the war. An illustration of this feeling may be found in a conversation the writer had with an old Texan, who expressed himself on the subject as follows: “We old Texans fought for and won the country, the land by right is ours, and in taking it we but take what belongs to us.” These men were poor in this world’s goods; they had been harried by the Mexicans and Indians, had suffered all of the hardships and discomforts of the wilderness, and it is not strange that they should feel in the hour of triumph that all they had won should be theirs.

The same old Texan stated to the writer how in a certain eastern county, at an early day, land certificates were issued. The law required that the person in whose name the certificate was applied for should, if living, appear before the board of land commissioners in person and swear to the facts that would entitle him to a certificate; and also produce two witnesses before the board, who could on oath corroborate the deposition of the applicant. When the board was in the humor to make some certificates for its members or their friends they made three mud men, one of which was named for the applicant, the other two for his witnesses. To these dum-

mies the oath required by the law was administered, and the certificate would be issued. The same man told the writer that this board, by way of variety, issued a certificate for a third of a league of land to a celebrated stallion of the neighborhood that went by the name of Bordy Jolly. In this case the board had a live applicant, but as to whom the stallion produced as witnesses the informant did not state.

In 1864 a certain land man came from east of the Trinity to Centreville, for what purpose the writer does not know. He put up at the hotel, was taken sick, and died there. The landlord after his death looked into his saddle bags, and found a large bundle of land certificates, and brought them to the writer for examination. There were at least forty or fifty of them, on variously colored paper, purporting to grant leagues and thirds of leagues of land, signed by the boards of land commissioners of various counties, with signatures of the clerks and bearing the county seals. Of course these certificates were all fraudulent, and the incident is mentioned only to illustrate those rude and early times, and the loose methods that then prevailed.

The early settlers of Texas were generous and hospitable. They would share the last crust of bread or bushel of corn with a friend, neighbor, or stranger. They kept open house, and the latch string always hung on the outside of the door. They never turned away from the shelter of their roof or camp the stranger or the wayfarer man. They paid their debts, observed their contracts, and illustrated the highest integrity. Perhaps some of them entertained loose ideas in relation to the acquisition of land; but this, as already stated, grew out of the feeling that they had fought for and won it, and that they committed no wrong in taking their own.

The writer's first retainer in a land suit, after his arrival in Texas, grew out of the generosity and hospitality of an old Texan towards a new comer and stranger. A man came from Tennessee with a wife and several small children and in the early spring stopped in the range of the old Texan's cattle. As soon as the latter heard of the arrival of the stranger, he hastened to see him, and informed him that he was welcome to gather as many of his cows with young calves as he might need to furnish his family with milk and butter; and that all he would charge him was to divide the milk of each cow with its calf, to which the new comer thankfully

agreed. In the fall, when the old Texan went to see about his cows, he found that more than half the calves had died, and that those still living were at the point of starvation. He felt outraged that his hospitality had been so abused, and demanded pay for the calves that had died. On the refusal of the newcomer to pay for them he instituted suit before a justice of the peace for damages, and employed the writer to prosecute it, which he did, obtaining judgment; at the cost, however, to himself of incurring the ill-will of the defendant, which it took years to remove.

The social and friendly feeling that existed among the early settlers of Texas was strong and peculiar. It was the natural product and outgrowth of hardships and dangers which these pioneers mutually shared that joined old Texans one to another with hooks of steel. This statement may be illustrated by the following story:

The burning of the Adjutant General's office, at Austin in 1855, with the military records of the Republic and State, created a great sensation. It soon became rumored that two citizens of a certain county, old Texans, were the guilty parties, and they were indicted by the grand jury of Travis county. The writer was informed that in due course capiases for the arrest of these parties were forwarded to the sheriff of the proper county, who was also an old Texan and friend of the accused. The sheriff after receiving the process summoned a posse, with directions to meet him at a certain place, on a certain night to aid him in the arrest of one of the parties. The sheriff and his posse made the descent on the home of the accused at the appointed time and searched his house, but found no one except his wife and children. It was told the writer long afterwards, by one who professed to know, that the sheriff in advance had sent notice of his intended visit to the man concerned and had suggested that he need not be at home unless he wished. The sheriff was a good man, and the writer doubts the truth of what his informant told him; but if it was true it simply illustrates the strong and peculiar ties of friendship that existed among old Texans, founded on common dangers and common hardships. Nothing came of the prosecution of these citizens. No one was punished for the destruction of the Adjutant General's office. In fact, it was never ascertained whether the destruction of the office was intentional or accidental.

In the early days of the Republic and State of Texas, Houston,

Rusk, Lamar, Hemphill, Wheeler, Lipscomb, Ochiltree, Henderson, Williamson, Roberts, Jones, Rivers, Gray, Reagan, Willie, Baylor, Jack, and a host of others were members of the bar, and actively pursued the profession of the law. These men became the leaders of the people of Texas. They illustrated in their lives and conduct the spirit and teachings of the law, and gave to the Republic and State a constitution and body of statutes unsurpassed by any on the American continent.

In the early days of the Republic and State, the judges and members of the bar had access to but few books. They had but few precedents, and but little regard for what they did have. They took the facts and tested them by the principles of equity, and in this way arrived at their conclusions. The decisions of the Texas courts of those early days stand out in bold relief among the great mass of decided cases for their simplicity, directness, and happy application of the elementary principles of right to the facts of the case. The decisions of Hemphill, Lipscomb, and Wheeler stand like monuments, illustrating that "the law is the perfection of right reason," when guided by the fundamental principles of justice. When shall we see their like again?

In the early fifties, the members of the bar followed the judge on his circuit from county to county. They traveled on horseback. Each had his saddle-bags (in which was stored his linen and generally a lunch), his blanket, lariat, tin cup, water gourd, and coffee-pot. All of these accoutrements were necessary. The country was thinly populated, and often in passing from one county seat to another no place of entertainment would be found, and camping out then became a necessity. When this happened, a spot affording water and grass was, if possible, selected for camp. Having chosen the place the travelers dismounted, unsaddled and staked their horses, kindled a fire, made and drank coffee, and ate their lunch. After eating and drinking, they sat around the camp fire, joked, told anecdotes, discussed the topics of the day, sang a song or two, and thus pleasantly whiled away the time till they grew sleepy, when they rolled themselves in their blankets, with saddle and saddle-bags for pillow, and with easy conscience passed into the land of dreams. These were the golden day of enjoyment and good fellowship. With every honest lawyer it was hail fellow well met. No envy or jealousy, no underbidding nor struggle for fees. Every

member of the profession knew personally, and was known personally by, nearly every man in his circuit of practice. There was no great crowd of lawyers, in those early days, and with the settling of land titles and other matters there was plenty for all to do.

In 1846 the first Legislature after annexation divided the State into eight judicial districts. The counties of Milam, Burleson, Washington, Brazos, Robertson, Limestone, Navarro, Freestone, and Leon constituted the Eighth District, of which R. E. B. Baylor was judge. In 1852 or 1853 the Legislature made a new district called the Thirteenth, including all of the counties of the old Eighth District north and east of the Brazos river, as well as the new counties of Falls and Hill. Later another county, Madison, was formed out of the territory of Leon, Walker, and Grimes and added to the Thirteenth District. Henry J. Jewett was the first judge of this district. The writer having arrived in Leon county in 1851, had an opportunity of becoming acquainted with the judges of these two districts, and many of the members of the bar who resided in them, or being non-residents practiced there. Of the resident lawyers of the Eighth and Thirteenth Districts he remembers the following, who were in practice in the early fifties: Asa M. Willie, of Washington county; H. J. Jewett, R. S. Gould, John W. Durant, T. W. Blake, Thos. V. Mortimer, James Gregg, A. H. Weir, William Holman, and Aaron Kitchel, of Leon county; F. L. Barziza, of Robertson county; Charley Stewart, Thomas Harrison, and T. P. Aycock, of Falls county; D. M. Prendergast and Joseph Lynn, of Limestone county; R. Q. Mills, C. M. Winkler, William Craft, and A. Beaton, of Navarro county; John Gregg, W. L. Moody, James Walker, and John Whitt, of Freestone county. Of non-resident and visiting lawyers he remembers the following: Henderson Yoakum, W. A. Leigh, A. M. Branch, and A. P. Wiley, of Walker county; John H. Reagan, Reuben Reeves, and A. T. Rainey, of Anderson county; W. B. Ochiltree, of Nacogdoches county; and Richard Coke, of McLennan county.

GUY MORRISON BRYAN.¹

GEORGE P. GARRISON.

Guy M. Bryan was born January 12, 1821, at Herculaneum, Jefferson county, Missouri, on the banks of the Missouri river below St. Louis. He spent the greater part of the first ten years of his life at Potosi, Washington county, Missouri, his mother's home, where he acquired the rudiments of an education. While he was yet a small boy his father died, and his mother afterwards married Mr. James F. Perry.

In the spring of 1831 Mr. Perry emigrated to Texas. The family and negroes traveled by land, using two-horse wagons and a carriage, and young Guy rode a mule the whole distance. They reached San Felipe, Texas, August 15th, and there Mrs. Perry and her children remained until the spring of 1832. Then they moved to their homestead on "Pleasant Bayou," a branch of Chocolate Bayou now in Brazoria county, where Mr. Perry established a ranch. In December, 1832, he moved to Peach Point, ten miles below Brazoria, west of the Brazos, which became his permanent home.

In the winter of 1835-6 Guy Bryan and his half brother Stephen and half-sister Eliza Perry attended the school of Mr. Pilgrim, who was teaching in the neighborhood, at Columbia. Guy's boarding-place was the home of Mr. Josiah H. Bell, who lived about a mile from the schoolhouse, in what is now West Columbia; and in his daily walks to and from school he was accompanied by Thaddeus and James H., the sons, and Lucinda, the daughter, of Mr. Bell.

Early in March, 1836, Mr. Bell came to his youthful boarder and told him that a courier from San Felipe had arrived bearing a letter from Travis in the Alamo, which told of his being besieged by the Mexicans and called on the government and the people for immediate aid. Mr. Bell said that the courier and his horse were broken down, and asked if the young man, who had a horse of his own, would not take the letter to Brazoria and thence to Velasco at the mouth of the Brazos. At Velasco was a detachment of infantry

¹This memoir has been compiled mainly from an autobiographical sketch prepared by Colonel Bryan in 1895 for his daughter, Miss Hally Ballinger Bryan.

commanded by Captain Poe. That place was the chief port of entry for Texas and had most frequent communication with New Orleans by vessel. Mr. Bell's question was answered in the affirmative, and the letter went on to Brazoria at once. The bearer reached there in the afternoon, and the news he brought produced a great sensation. After a copy of the letter had been taken, he went on by Peach Point, where he got a fresh horse, to Velasco, arriving at the latter place in the night. He crossed the river at once and carried Travis's letter to Captain Poe. All the troops and people of the town were assembled at Poe's headquarters to hear the news, which caused there, just as it had at Brazoria, great excitement. In detailing his recollections of the affair in after years, Colonel Bryan said that his reception at Brazoria and Velasco made him feel like a hero, and that the impression had remained with him all his life.

The following month, in consequence of the retreat of Houston from the Colorado, all the inhabitants of Texas west of the Trinity abandoned their homes and property, taking with them their negroes and such supplies as they could carry, and fled towards the United States frontier. Joel and Austin Bryan, the two older brothers of Guy, were in the army with Houston. Mr. Perry remained with his family until they reached the east bank of the San Jacinto, when he, with the rest of the able-bodied men and trusted negroes, joined a detachment of the army under Colonel Morgan, who was fortifying Galveston. The family was encamped at Captain Scott's, about six miles below Lynch's Ferry, when the news came that the advance guard of the Mexicans was on the opposite bank of the San Jacinto at the crossing, and that all boats had been brought to the east side and scuttled to delay them. The refugees were advised to push on. Several days previous to this, Joel Bryan had arrived from the army very sick with pneumonia. Guy, then a boy of fifteen, had his horse and all necessary arms and accoutrements ready to join Houston, but the appearance of the Mexicans and the consequent hasty departure of the family prevented the accomplishment of his purpose.

Mrs. Perry and her children joined the throng of fleeing people, which extended backward and forward as far as the eye could see in an indiscriminate mass of human beings, walking and riding on horseback and in every imaginable kind of vehicle. To make things worse, the prairies were covered with water, and the roads were

exceedingly muddy. While the fugitives were crossing the wide prairie between the Trinity and the Nueces they were overtaken by a messenger bringing the news of the victory at San Jacinto,¹ and as he shouted the welcome announcement in passing, exultant cheers rose round him. They had expected to hear of a battle, for they had been within the sound of the guns, and they were naturally overjoyed to learn the issue. They immediately began to retrace their steps. At San Jacinto Mr. Perry joined his family again, and they all returned home, except Austin and Guy, who remained with the army, the latter as orderly of Lieutenant-Colonel Somervell.

After the armistice entered into by Generals Houston and Santa Anna the day following the battle of San Jacinto, General Burleson was sent forward with a detachment of troops to watch the movements of Filisola and see whether he complied with the terms agreed upon. Austin Bryan went with General Burleson, and Guy stayed with the main body of Texans which was encamped at San Jacinto, and which, after considerable delay, also followed the retreating Mexicans. In the course of a week or ten days Austin returned, and the two brothers were together until Guy had measles, which left him in such bad health that he was forced to go home. Immediately afterwards he had an attack of pneumonia, from which he came near dying. When he recovered, there being no prospect of active hostilities, he was regularly discharged from service.

That fall and part of the next spring Guy and his half-brother, Stephen Perry, attended the school of a Mr. Copeland on Chocolate Bayou at the place now known as Liverpool. In the fall of 1837 Guy entered Kenyon College, Ohio, where he remained five years, graduating and returning home in 1842. One of his fellow-students at Kenyon was Rutherford B. Hayes, afterwards President, who was his class-mate and intimate friend.

When Mr. Bryan returned home, the Texan troops intending to invade Mexico under General Somervell had assembled at San Antonio, and he was anxious to join them; but Mr. and Mrs. Perry, who opposed his going, threw so many obstacles in the way that the army had marched before he was ready to leave, at which he was greatly disappointed.

Before leaving college Mr. Bryan had had trouble with his eyes,

¹According to Colonel Bryan's recollection, it was William Hardin, of Liberty.

which proved so persistent as to interfere with his purpose of studying law. After a time, however, they began to improve, and he undertook to read for the profession in the office of William H. Jack; but he was induced by Mr. Jack to give up the plan in order to avoid a recurrence of the trouble. Then he took up a life of active outdoor exercise, sometimes helping Mr. Perry in the management of Mrs. Perry's business affairs. In the spring of 1844 he visited Little Rock to look after some business connected with his father's estate, and went thence to Wytheville, Virginia, to look after a land claim that his mother had inherited from her father, Moses Austin. His route was by steamboat to Guyandotte on the Ohio river, thence on horseback up the valley of the Kanawha and over the mountains to White Sulphur Springs, and thence by stage to his destination. Having finished his business at Wytheville, he went on to Richmond, Washington, Philadelphia, and New York, and back through Ohio and by New Orleans to Texas. After his return he continued his attention to his mother's estate.

Meanwhile annexation became the all-absorbing topic. England and France were particularly anxious to prevent it, and through their efforts Mexico was induced to offer to recognize the independence of Texas if the latter would refuse to join the American Union. There was great fear among the people of Texas, especially in Brazoria and Colorado counties, that President Jones would favor the rejection of the terms offered by the United States and acceptance of the overtures of Mexico, and a convention of influential citizens was held at Brazoria to give public expression to their views. Mr. Bryan was appointed by this meeting to go to Galveston and do what he could to secure from the prominent men of that city their endorsement of what had been done at Brazoria, and their influence in bringing about like meetings throughout the Republic. Whether the President required any such stimulation or not, he followed the wishes of the annexationists and called a State convention and an extra session of the Texas Congress to pass on the offer of the United States. This offer was accepted, and on February 19, 1846, he formally surrendered the executive office to the first governor of the State, J. Pinckney Henderson.¹

¹An interesting reminiscence of Colonel Bryan's serves to illustrate the conflicting motives of the old Texans at that juncture in the history of their beloved commonwealth. He used to relate that when he saw the

After the outbreak of active hostilities in the Mexican War, General Taylor made a requisition on the governor of Texas for reinforcements, and Mr. Bryan volunteered in response to the call. He went out as a private in a company from Brazoria, and was for some time in camp with Taylor's army near Point Isabella. There his half-brother, Stephen Perry, who had accompanied him, became desperately ill, and Mr. Bryan had to carry him home, thus missing his share in the battle of Monterey.

In the summer of 1847 Mr. Bryan was elected Representative from Brazoria county, with E. M. Pease as his colleague. He served six years in the lower house and was then elected Senator from the district composed of Brazoria, Matagorda, Wharton, and Fort Bend counties, for a term of four years ending in 1856. Meanwhile, in 1852, he had served as elector at large on the democratic presidential ticket and had canvassed the Western Congressional District of Texas in behalf of Pierce and King. The State then had only two congressional districts, one east and one west of the Trinity river. He was a delegate to the National Democratic Convention of 1856, and in 1857 was nominated for Congress by the first regular Democratic State Convention held in Texas, which met at Waco; and that fall he was elected, his colleague representing the Eastern District being John H. Reagan.

October 20, 1858, Mr. Bryan was married to Miss Laura H. Jack, the daughter of Col. William H. Jack, his old law preceptor. Feeling that the demands of Washington social life, which she enjoyed greatly, were strongly in conflict with what she regarded her duty as wife and mother, she besought him not to be a candidate for Congress again, and he acceded to her wishes.

In the winter of 1860 Mr. Bryan moved to Galveston. In that year he was one of the delegates to the national Democratic convention, and was elected chairman of the delegation, the other members being Governor Runnels, F. S. Stockdale, F. R. Lubbock, Judge Crosby, and General Greer. Immediately after the withdrawal of the delegates of the Gulf States from the Charleston con-

Lone Star flag on the capitol descend to be replaced by the stars and stripes he felt the tears running down his face, and on looking round he saw many others exhibiting the same emotion. Overjoyed as they were by the consummation of the policy they had so much desired, they could not give up the republic without heartfelt sorrow.

vention, he was sent by the Texas delegation back to the State in order to explain its action to the people. He did this by means of an address published in the papers of the State, and then hastened back to join the other delegates and participate in the convention of the nine States that had been appointed to meet at Richmond. The subsequent conventions, the various nominations made by them, and the attitude of the Texas delegation relative thereto are too familiar to need mention here.

After Mr. Bryan's return home he devoted himself to his private business. He and his brother Austin were joint owners of several thousand head of stock, and this property required his attention. At the same time, however, he took an active interest in the pressing public questions of the day. As secretary of the committee of safety for Galveston, he coöperated with the Texas secessionists, and this committee did much towards shaping their policy in the State.

When secession had become an accomplished fact, Mr. Bryan joined himself as private to one of the companies raised for the service of the State in Galveston. General Hebert, commander of the Texas department, appointed him volunteer aid-de-camp, to assist in the work of military organization, and sent him to Richmond to obtain orders from President Davis, from whom he brought a letter instructing General Hebert to coöperate with General Hindman in Arkansas as soon as a sufficient force had been organized in Texas to justify an aggressive movement.

Mr. Bryan was also instructed by President Davis to bring about a conference of the governors of Texas, Louisiana, Arkansas, and Missouri relative to the affairs of the Trans-Mississippi department. To this end he communicated personally with Governors Lubbock of Texas, Moore of Louisiana, and Rector of Arkansas, at the capitals of their respective States, and by letter with Governor Jackson of Missouri, who had been driven from his own State and was then in Northern Texas. They all met at Marshall, Texas, except Governor Rector who was represented by proxy. Mr. Bryan was present and explained the objects of President Davis in calling the conference.

Afterwards Mr. Bryan received from Richmond a commission as assistant adjutant general with the rank of major, with orders to report to the commander of the Trans-Mississippi department.

General Holmes had recently been appointed to this office, and his headquarters were at Little Rock. Major Bryan reported for duty and was sent to Marshall, Texas, to recruit the regiments of the Sibley brigade and send it to Richmond. He went to the headquarters of General Sibley, at Marshall, and showed his orders. The general treated him courteously, but declined to give him any information about the regiments; so he decided to go on and seek it at Galveston, the headquarters of General Hebert.

He started on his trip with General Granbury on the top of a stage, the interior being full, in a very cold norther. On his return from Richmond the previous August, he had found the whole Mississippi bottom under water and had been forced to cover the ninety miles from Vicksburg to Monroe in a skiff, rowing when the water was deep enough, and wading and pushing the boat when it was not. This exposure doubtless had a serious effect on his constitution. When he reached Huntsville on the night of October 28, 1862, he was sick with pneumonia and was suffering so that he could go no further. He stopped at Wilson's hotel, where he received unremitting attention from friends. By the tenth day his life was despaired of, and an express rider was sent to Waco for his wife. She came as quickly as possible, having to travel by stage from Waco to Millican and from Navasota to Huntsville. Only for the few miles of the journey between Millican and Navasota, was a railroad available. About the same time arrived Austin Bryan, who came from Brazoria county. He and Mrs. Bryan brought with them each a body servant of the patient. Major Bryan's illness proved typhoid pneumonia, and for weeks he lingered in a most critical condition; but by the careful and tireless nursing of his wife and the two servants his life was finally saved. During his convalescence, however, he was stricken with rheumatism from the knees down, to which he remained subject at intervals throughout his subsequent life.¹

¹In treating Major Bryan during his illness, it became necessary for him to have brandy administered by teaspoonfuls constantly. This was furnished by Mrs. Bryan's brother-in-law, W. P. Ballinger, of Houston, who sent first several bottles, and later, on two different occasions, a five-gallon demijohn. Meanwhile Major Bryan was informed by his physician, Dr. Rawlins, that Gen. Sam Houston, who was then living in Huntsville, was also seriously ill with pneumonia, and that he needed brandy, but could get none. Thereupon Major Bryan sent him a bottle and received in return the general's most grateful acknowledgments.

At the outset of his illness, when Major Bryan found that it would likely prove serious, he communicated with his senior adjutant general at Little Rock, who sent back a courier with despatches to him. He requested his friend Judge Campbell to act as amanuensis while he dictated replies. Judge Campbell at first refused, asserting that the excitement that would be produced by the effort to discharge such important business would endanger the sick man's life. Major Bryan replied that to neglect the replies would annoy him and endanger it more; and the courier did not return without them.

In the latter part of January, 1863, Major Bryan was well enough to be moved to more comfortable quarters at the residence of Judge Campbell. Two or three weeks later he was able to go in an ambulance, attended by his wife and servants, to Waco, where Mrs. Bryan and her son were living with their aunt, Mrs. Earl. There he stayed until the last of May, when he returned to the army, reporting at Shreveport to General Kirby Smith, then commander of the Trans-Mississippi department.

When Major Bryan presented himself to General Smith, he asked for assignment to duty in the field; but the general replied that he knew of the esteem in which Major Bryan was held by President Davis and understood how useful he would be in dealing with Texas, in which State lay the resources of the department, and that he would need him as confidential adjutant general. So he established still closer relations with Major Bryan by taking him into his house and treating him as one of the family.

The possession of the Mississippi by the Northern troops cut off supplies that might have been obtained by General Smith by way of that river, and what he had from foreign sources was chiefly in exchange for cotton carried in wagons across the Rio Grande and shipped from Mexican ports. In order to facilitate this traffic General Smith desired the establishment of a "cotton bureau" in Texas, and he directed Major Bryan to effect this by whatever means his own discretion might approve. So the Major went to Houston and with the help of W. P. Ballinger got J. W. Hutchins, George Ball, and James Sorley to consent to organize such a bureau as its chief officials, under such regulations as they and he might adopt subject to the approval of General Smith. When he reported, General Smith commended his work, and said that he intended to establish

a like bureau for the whole department and wished him to take charge of it. Major Bryan replied that he had obeyed every order thus far willingly, but that he felt compelled to excuse himself in this instance if possible. On being asked for his reason, he said that he had spent his life in trying to win an irreproachable reputation and hoped that he had succeeded; but that he could not hope to retain it in such a position, and that another could be found whose habits and training had fitted him for such a place far better. He was excused and remained at General Smith's headquarters, serving as the medium of communication with the Texas authorities. One duty that fell to him was to relieve some complications that had arisen between the Confederate cotton bureau at Houston and another that had been established by the State. This he accomplished by securing first an agreement by the officials of the two bureaus and then the approval of it by Governor Murrah. He then started back to headquarters accompanied by Judge T. J. Devine, who went as the agent of Governor Murrah to secure certain concession desired from General Smith.

On arriving at Shreveport Major Bryan and Judge Devine heard that Smith had defeated Banks,¹ who was advancing against that place, that Banks had retreated down Red river and his coadjutor Steele towards Little Rock, and that Taylor was following Banks and Smith was in pursuit of Steele. They pushed on and overtook Smith at Camden on the Washita. When Major Bryan reported General Smith told him that he was just in time to witness the capture of Steele, who was shut up in Camden by his force with three thousand Confederate cavalry under Fagan and a smaller number under Marmaduke on the other side of the river to cut off the retreat of the Federal troops. The next morning, however, it was learned that Steele had crossed the river quietly during the night on pontoons, most of which he destroyed after getting over, and had continued his retreat. Smith constructed a temporary bridge, crossed the river, and hurried on in pursuit. He overtook Steele in the act of crossing the Saline and attacked him at once; but the obstinate resistance of the Federals, together with a rapid rise of the

¹This engagement was called by the Federal troops the battle of Sabine Cross Roads, but it is generally known in Texas as that of Mansfield.

river, enabled the retreating force to get safely away.¹ In the course of the battle Major Bryan was called upon to follow General Smith to the field and assist in rallying Waul's brigade, which was soon accomplished. Among the incidents which served to impress the day's work on Major Bryan's memory was the wounding of General Waul just as they separated after a brief conference.

The next day when General Smith and his staff were returning to Shreveport, he had a private interview with Major Bryan, indicating a desire that he should undertake a confidential mission to President Davis. Major Bryan tried to excuse himself, but the general insisted. In the midst of their discussion Dr. D. W. Yandell, who was then a surgeon on Smith's staff, rode up and, observing the reluctance of Major Bryan, offered to go himself; but General Smith held firmly to his first choice. That night the two had a long talk over the matter in General Smith's tent, and before it ended Major Bryan had consented to go. He was directed to ask, in view of the fact that Federal control of the Mississippi had so completely cut off the Trans-Mississippi department from the rest of the Confederacy, for more independent authority for its head. He was also to give a report of the campaign, and full information relative to the status of affairs in that department. He was told that a faithful scout who knew the country well would guide him across the Mississippi, await his return, and accompany him back.

Preparations for the trip began at once. The guide, whose name was Pinson, was sent for, and Major Bryan was furnished with his despatches. He was to be accompanied by another officer, named Hopkins, and he allowed two Texans also, who wished to rejoin their commands on the east side of the river, to go along with them.

The party made its way on horseback to St. Joseph on the Mississippi. Just before they reached the river, Pinson went forward to reconnoiter and make arrangements to cross. Early that night he returned and reported that he had secured a skiff with two men to pull it, and that he thought they could get over safely. The river was patrolled by gunboats; and, watching their opportunity, they began crossing immediately after one had passed. Pinson first took Major Bryan over, swimming his horse beside the skiff. The river

¹The name given by the Federal troops to this engagement was the battle of the Saline, while the Confederates called it that of Jenkins's Ferry.

was about a mile wide at the point where they had undertaken to cross, and when they were about two-thirds of the way over they saw the fires of an approaching gunboat. The night, however, was very dark; and by keeping quiet and rowing cautiously they escaped discovery. Pinson then went back for Hopkins; but just as they pulled away from the bank another gunboat appeared, and they had to put back to the west side till it passed. The next trial carried them over safely, and in a short time the whole party had crossed.

Soon after sunrise they reached the hills and stopped at the house of a planter, by whom they were very hospitably entertained. Leaving Pinson there, the others went on to Brandon, where Major Bryan and Hopkins took the train for Richmond.

Having reached his destination Major Bryan called at once upon President Davis and made his report. When he had done this, Mr. Davis offered him a position on his staff as aid, with the rank of colonel, saying that he desired the services of some one who was well acquainted with the affairs of the Trans-Mississippi department, and in whom he had thorough confidence. Major Bryan asked until the next day to think it over. Meanwhile he was urged by Mr. Oldham of Texas, a member of the Confederate Senate who knew of the offer, to accept it; but he replied that he thought he could serve Texas better in his position on the staff of General Smith, and that he had already decided to decline and to recommend instead Governor Lubbock, who had just completed his term, and who had precisely the knowledge that Mr. Davis desired.

Major Bryan and Mr. Hopkins then started back to Texas. They were accompanied by Captain Burke, a Texan scout belonging to Lee's army. One morning as they were proceeding along the Rodney road some distance beyond Port Gibson, Mississippi, they saw a man approaching with his horse in a run and covered with sweat. He proved to be a scout, who brought news that a large body of Federal troops was coming along the road ahead of them. Major Bryan instructed Captain Burke to learn what he could of the approaching force and report to him at the house of a Mrs. Valentine, at which they had spent the night, and which they had just left. Mrs. Valentine, however, begged them earnestly not to remain in her house, for she was sure that if they were found there the Northern troops would burn the house. She told them of a dense cane brake near by, where they could hide themselves and their horses;

and there they waited, suffering greatly from the intense heat, until Captain Burke returned. He said that he had seen the rear of the reported force, and that it had taken another road. Then in order to avoid scouting parties, they went to a house some distance from the road and belonging to a Mrs. Young, to which Mrs. Valentine directed them. On the way they heard heavy firing of artillery and small arms near at hand. Mrs. Young for additional security sent them on to the house of a relative of hers still further from the ordinary thoroughfares. There they were kindly received, and there they remained till the afternoon of the next day. Then they learned that the force they had come so near encountering was Ellis's brigade, a body of Northern troops who were quartered on a gunboat that went up and down the Mississippi, and who made raids from time to time on both sides. When they first heard of the proximity of the brigade, it was on its way to seize a lot of cotton which its commander had heard was in the neighborhood. But a regiment from a Confederate conscript camp near by marched to intercept the expedition and made such a furious attack on Ellis's men that they retreated forthwith to their boat, leaving the cotton unmolested and the roads open. When the travelers knew this they pushed forward in the afternoon, and late that night they were joined by Pinson, who had been watching for them. He conducted them safely across the river to a plantation known as the Montgomery place,¹ where they spent one day. Then they went on to Shreveport.

General Smith was greatly pleased to see Major Bryan again and gave him a place on a military court at headquarters with the rank of colonel. The success of the mission was soon proved by an order from the Confederate Secretary of War conferring the amplest powers on the commander of the Trans-Mississippi department.

Shortly afterwards Colonel Bryan was appointed by Governor Murrah representative of Texas at the headquarters of the Trans-Mississippi department, an office which had just been created by the Legislature of the State. By agreement between Governor Murrah and General Smith, he at first retained his commission in the Confederate service, acting at the same time as representative of Texas; but after Lee's surrender he resigned his commission as Confeder-

¹Not long after Pinson was captured at this same place, with a party which he was conducting, and sent to a northern prison, where he died.

ate officer and qualified in the other capacity. He was ordered to report to Governor Murrah at Houston and was there when General Smith surrendered.

The war being over, Colonel Bryan took his family back to his home in Galveston and lived there till the spring of 1867, when he moved to his ranch opposite the city on the mainland. The year 1871 he spent mainly in health-seeking and visiting relatives and friends. He made a short visit to his old friend and classmate, R. B. Hayes, who was then governor of Ohio, and another to Mr. Burchard, the uncle of Governor Hayes, who lived at Fremont, Ohio, and who was also one of his old friends. At New York he was for three weeks under the treatment of Dr. W. A. Hammond, and at Waukesha he renewed his acquaintance with Chief Justice Chase, with whom he had very pleasant social relations. There he met also Horace Greeley, who had recently returned from a visit to Texas. In November, 1871, he returned to Galveston and engaged board for his family at his own residence, which was then rented. Here, on December 16th, Mrs. Bryan gave birth to her youngest son, and on January 1, 1872, when it seemed that she had recovered, she died from some disorder of the heart. The stricken husband and his children then found a home in the house of his brother-in-law, Judge Ballinger.

The loss of his wife fell heavily upon Colonel Bryan. Heart-broken and failing in health he went to Sour Lake and spent a month in seeking to regain his strength. Instead of this, he became worse, almost unto death; but one of the faithful old servants that had been with him when he was so ill at Huntsville came to him and nursed him back to health.

In November, 1873, Judge Cleveland, chairman of the Galveston Democratic committee, sent for Colonel Bryan and told him that the Democrats had decided to make an effort to recover the State from the misrule which had been inherited from reconstruction, and that he must help the ticket by becoming a candidate for the legislature. After taking the matter for one day under consideration, he consented. He canvassed the counties of Brazoria, Matagorda, and Galveston, and was elected with John A. Harris and W. L. Moody as his colleagues in the House, and Judge Ben Franklin as Senator.¹

¹Shortly after the election, Judge Franklin died.

The legislature met on January 18, 1874, and Colonel Bryan was elected Speaker with but one dissenting Democratic vote; but, though the new government was backed by a majority of over fifty thousand in the State, the Republican governor, E. J. Davis, refused to recognize it. He fortified himself with armed force under his adjutant general in the basement of the capitol, and called upon President Grant to protect him in his office with Federal soldiers. He also refused to give up the election returns for the State offices; but the chairman of the House election committee succeeded, after a week's time, in getting the returns for governor and lieutenant-governor. Immediately the vote was counted in joint session of the two houses; and, as the result, it was announced that Richard Coke and R. B. Hubbard had been elected respectively governor and lieutenant-governor for the ensuing two years. These gentlemen were forthwith inaugurated in the presence of an immense concourse of the citizens of Texas.

The morning after the inauguration Governor Coke sent for Colonel Bryan and informed him that the capitol and its grounds were committed to the President of the Senate and the Speaker of the House. Colonel Bryan then returned to the House and swore in Gen. W. P. Hardeman, Col. John S. Ford, and Capt. William Hardeman as assistant sergeants-at-arms. He gave them instructions and placed them in command of the capitol and grounds, and for more than a week they faithfully discharged their duties amid the most exciting scenes. Finally Governor Davis, having ascertained that President Grant would not support him, abandoned the executive office to Governor Coke.

At the next election, Colonel Bryan refused to become a candidate.

Soon after the inauguration of President Hayes, he wrote to Colonel Bryan that he desired help from him and wished him to come to Washington. Such an invitation was not to be declined; and its recipient spent three weeks at the White House while the difficulties relative to the Louisiana and South Carolina legislatures were in process of settlement. When he left, he was assured that he had been of great service and that much of the president's kindly feeling towards the South was due to him. Twice again during the same administration he spent several days in the White House by invitation of the president, but these were only friendly visits, and without political significance.

In 1878, while Colonel Bryan was spending the summer and fall with his two daughters, who were at school in Virginia, he was nominated and elected representative to the 16th Legislature from Galveston. He was a member also of the 20th and 21st.

It has already been stated that after the death of his wife he and his children went to live with Judge Ballinger. In 1880, however, when his oldest daughter had finished her course at school, he made his home once more at his place near Galveston. In 1890 he moved to Quintana, where his oldest son was living. In 1898 he changed his residence finally to Austin, where he wished to spend his remaining days, and where he died, after a brief illness, June 3d, 1901.

Colonel Bryan was a member of the Texas Veterans' Association from the time it was organized in May, 1873. It was he, in fact, who delivered the oration at that time. In 1892 he became president of the association, and he continued in that office till his death. He was also one of the vice-presidents of the Texas State Historical Association from its organization.

The children of Colonel Bryan are four in number: two sons, Willie Jack, and Guy Morrison, living respectively in Houston and Galveston; and two daughters, Laura, who in 1891 married Mr. E. W. Parker, and has been for some years a resident of Washington, and Hally Ballinger, whose home since her father's death is with her sister.

Such are the uncolored annals of a life at once modest and unobtrusive, but strenuous in all good works. It is not considered unfit to close the sketch with the following characterization from a memoir accompanying resolutions adopted by the Faculty of the University of Texas relative to Colonel Bryan's death:

"The State pride of Colonel Bryan was intense, and his devotion to the interests of Texas unbounded. At the time of his death he was president of the Texas Veterans' Association and first vice-president of the Texas State Historical Association. He left nothing undone that lay in his power to promote love of the traditions and study of the history of the Republic and the State, of which he had a peculiarly extensive and accurate knowledge; but no man was more zealous for the exact truth, or more earnest in the correction of historical errors. Not the least of his invaluable services to Texas has been his jealously careful preservation of the Austin

Papers, which are the sources of the history of the beginnings of its Anglo-American colonization, and which are, beyond question, the most valuable single collection in the Southwest.

“Colonel Bryan was a man of singularly pure and refined character. One could not know him without being impressed by his sincerity and manly courage, and yet withal by his broadly liberal toleration of other convictions than his own. His political and social leadership was of the kind that makes legalized injustice and corruption in high places impossible, and contact with him was full of inspiration for young and old to nobler and better living.”

THE OLD FORT ON THE SAN SABA RIVER AS SEEN BY
DR. FERDINAND ROEMER IN 1847.

ADELE B. LOOSCAN,
Historian Daughters of the Republic.

The identification of old landmarks, and their preservation, are objects worthy of engaging the interest of all Texans. Exact records of their location, their dimensions, and their surroundings as written down by actual observers are invaluable to the student of our early history, and in offering the following account of the old fort on the San Saba river, I hope to elicit further information on this interesting subject.

The year 1845 witnessed a large emigration from Germany to Texas, and with a view to gaining an accurate scientific knowledge of the country, its geological formation so far as possible, and its agricultural capabilities, an extensive journey of exploration was undertaken by Dr. Ferdinand Roemer, an eminent German scholar, which began November, 1845, and ended April, 1847. The results of this journey were published in August, 1849, at Bonn, Germany. The book called *Texas* comprises 464 pages, of which 362 are narrative, the remainder consisting of notes on the geognostic conditions, and on the flora and fauna observed by the author. There is besides a large map of the country as then known.

Starting out from New Orleans on board the steamship Galveston on November 20, 1845, Dr. Roemer had already passed one year and nearly three months in the then unexplored wilds of Texas, and had reached the neighborhood of the favorite hunting grounds of the Comanche Indians, when his attention was arrested by a remarkable feature in the landscape; and, true to the instincts of the scientist, he made a minute record of what he saw, giving probably the earliest accurate account of the dimensions of the old fort on the San Saba river. This account, which is to be found in the book referred to, beginning on page 308, is translated as follows:

"February 18 [1847]. Our way led us today over many pretty little prairies, when, after having traveled nearly six English miles, and not surmising that we were so near our goal, we beheld, through the mesquite trees in the distance, an object resembling old masonry. We came nearer and found ourselves before the ruins of

quite an extensive building; we had reached the old Spanish fort or mission on the San Saba river. Our first impression was that of amazement at finding in the midst of this wilderness in which we had traveled about so long, and in which we knew ourselves to be many days journey from the abode of civilized men, this incontrovertible evidence of the former permanent abode of white people. Through an aperture in the masonry we entered an inner courtyard and found there a suitable place for our tents. The fort lies close to the river on the left or north bank, which is here about twenty feet high. The ruins consist of remnants of masonry work five to six feet high (in some places from fifteen to twenty feet), and plainly show the design of the whole structure. The outer walls of masonry are an almost square rectangle whose shorter wall, lying near the river, measures 300 feet, while the longer wall measures 360. On to the inner side of this outer wall are built several casemates, or rooms, each eighteen feet deep and opening into the courtyard. The whole number of these surrounding the court is about fifty. In the northwest corner of the plot of ground is a main building with a courtyard and seven rooms, the walls of which are still partially preserved as high as the upper crossbeams. The main entrance to the fort lay on the west side, and besides this there was a little opening towards the water. On three corners of the fort there were projecting towers for defense and on the northwest corner a larger and round tower. The quarry stones of which the walls were constructed were held together with earth only, but in the wall of the main building we observed traces of mortar.

"The plan of the whole structure is, in its main features, the same as that of the Spanish missions near San Antonio; but the church, which, in harmony with its religious purpose, the conversion of the Indians, is the largest and most notable building in the larger California missions, as well as in those of San Antonio, was here either entirely wanting, or was only very small and insignificant. Neither is there any indication that the land around the fort was ever cultivated, nor is there any trace of an aqueduct for the irrigation of the land, which is never missing in the other missions. Both circumstances arouse many doubts as to whether this was really a mission. It was perhaps nothing more than a strong point for guarding the San Saba valley. Of the ultimate fate of this fort little more than tradition is known in Texas. It is said

to have been besieged by Comanches in the last quarter of the last century, the Spanish garrison, starved into submission, was massacred, and the building destroyed. Undoubtedly documents from which a conclusion as to the facts may be drawn are to be found in Mexico.¹

"The large mesquite trees and the cacti of the *Opuntia* species of a man's height with cylindrical limbs, which are growing in the inner courtyard and the casemates, strongly indicate that for many generations past no human being has inhabited the place. On the walls of the main entrance the names of the few who have visited it during this century are engraved. These names are as follows: Padilla, 1810; Cos, 1829; Bowie (*con sua* [sic] *tropa*), 1829; Moore, 1840; the first two Mexicans, and the two latter Texan leaders who in their military expeditions against the Comanches had reached this part of the country.

"On the following day, February 19th,² we inspected the surrounding country, and its charm seems to justify the selection of this point for the location of the fort. A perfectly smooth level plain of very productive soil covered with a tender grass extends on both sides of the river. The width of the flat bottom of this valley measures more than an English mile, while it extends for five or six English miles along the river and constitutes the largest area of arable fertile land we have seen on the whole upper course of the San Saba river. All along the river there is a line of timber which could furnish wood sufficient for the needs of a small settlement. But except this growth of the bottom there is no timber to be found and notably are the postoaks missing here, which we saw had formed an extensive forest further down, and which always furnish the best wood for fences. The river in the vicinity of the fort is deep (though easily passable by several fords), as clear as crystal, and swift in its course. On both sides it receives confluent.

"On the other side of the river we ascended a steep bluff, about 150 feet high. Having reached the top, we could see for many miles around; we were on the summit of the plateau. Nowhere could

¹See Bancroft's *North Mexican States and Texas*, I 626-629.—EDITOR QUARTERLY.

²The original has "13ten," but this is obviously a misprint.—EDITOR QUARTERLY.

mountain chains or even separate peaks be seen rise; *the San Saba mountains, as they are laid down on most maps, in reality do not exist.*

"According to a supposition widespread in Texas rich silver mines were formerly worked by the Spaniards near the San Saba river, indeed, even the old fort is said to have been erected solely for the purpose of affording protection to a mine situated in the vicinity. Besides the investigation of the fitness of the soil for cultivation, one of the main purposes of our expeditions was to determine the grounds for these suppositions. We searched, therefore, in the immediate vicinity of the fort for the ruins of a smelter, or for slag piles, and when this search proved fruitless, we tried to ascertain whether the geological conditions of the surrounding country were such as to render the existence here of ore or metal probable or even possible.

"The above mentioned precipitous bluff presented a good profile of exposed rock strata. These consist of alternating layers of a rather hard yellowish gray limestone with a rough earthy fracture, and loose calcareous marl of the same color. All these layers are perfectly horizontal; so that it would have been possible without any difficulty, as may still readily be seen, to find a solid bank formed by the upper portion of the profile for the building of the fort on the flat surface of the plateau. The strata contain a number of organic remains. The species are the same that occur in the calcareous marls at Fredericksburg. They are undoubtedly forms peculiar to the chalk formation and leave no doubt as to the age of the strata in which they occur. The same rock is the main constituent of the soil for miles around the fort in all the other directions, although in most places not visible on the surface. Under such conditions in the geognostic deposits, we can unhesitatingly assert that, at least in the neighborhood of the fort, no deposit of precious metal is to be found; the existence of silver ore in uniformly horizontal strata of limestone and marl of the chalk formation would according to our experience hitherto be without a parallel. It is by no means our intention, however, with this assertion to deny absolutely the existence of silver ore on the San Saba river; on the contrary, it were not improbable that the metamorphic transitional rocks, rich in quartz, which occur farther down on the San Saba (about forty English miles from its mouth), as well as

the granite rocks which occur especially between the San Saba and the Llano, may contain ore, although the observations made on our journey do not furnish a direct proof even of this."

In connection with the probability of silver mines having existed in the neighborhood of the old fort or mission, von Roemer refers in a note to the story current among the early settlers of Texas to the effect that the Comanche Indians were accustomed to use silver bullets in their guns.

Our geological survey has long ere this settled the question as to the existence of silver ore in this vicinity, and it is hoped that the recent acquisitions of valuable historical records from Mexico may afford our future historians accurate data as to the rise and fall of this old fort or mission, but it would be interesting at least to know the present condition of these historic ruins.

THE EARLY SETTLERS OF SAN FERNANDO.¹

I. J. COX.

[The greater part of the documents used in the preparation of this article are to be found in the collection, now in possession of the State University, known as the "Bexar Archives." As these documents are still unclassified, it will be impossible to give exact references for the various points mentioned, but so far as possible, the title and date of each document cited and the name of some individual connected with it will be given. In addition to the Bexar Archives the writer has consulted the standard authorities, the Bexar county land records, and documents in the *Archivo General* in the City of Mexico. The documents in the Bexar Archives for the years 1730-'50, inclusive, consist, for the most part, of three kinds: (1) petitions from residents of the villa, presidio, or missions to the head authorities in Mexico, the viceroy and the bishop of Guadalajara, to the governor, and to the captain of the presidio, who acted as *justicia mayor* (general, or chief justice) for the province, and received petitions in the absence of the governor; (2) proclamations of the authorities to whom these petitions were addressed, together with those of the local *alcaldes* of San Fernando; (3) records of judicial processes, both civil and criminal; (4) land records and other transfers. In addition, reference is made to *Testimonio de un Paracer* as given in the appendix of Yoakum, Vol. I.

Citations are made also of the following documents in the History Section of the *Archivo General*, in the City of Mexico: Vol. 84, *Colonos para Texas*; Vol. 43, *Historia del Descubrimiento y Poblacion de la Provincia de Texas hasta el año de 1730. Eserita por el Pe. J. Melehor y Talamantes*; Vol. 28, *Representacion de la Villa de Sn. Fernando al Sr. Gobernador de Texas, Varon de Ripperdá*; and, Vol. 43, the report of Caballero de Croix, to the Viceroy Galvez in *Expediente sobre Comercio reciproco entre las Provincias de la Luisiana y Texas*.]

In every community there exists a tendency to bestow a certain amount of honor and dignity upon those families who claim the proud title of "first settlers." In a general way San Antonio offers no exception to this tendency, but in the matter of exact knowledge concerning those settlers, their names, their number, their character, where they came from, when they arrived here, and other kindred points, there exists a most profound ignorance. In our city the term "descendants of the first settlers" is loosely applied to almost every family of Mexican name, so that, on a small scale, these descendants remind one of those of the "first families of Vir-

ginia." The time even of the founding of the city is so uncertain that there is a difference of about forty years between the first and last dates given. The composite character of the early foundation of the city—military, political, and ecclesiastical as it was—is but imperfectly understood by those to whom it should be wholly familiar. One possible explanation for this condition of affairs lies in the fact that another stock than that of the founders now controls the affairs of this section, and, consequently, much that is really interesting and important in their early history is lost in the general feeling of indifference, if not of contempt, displayed by the dominant race toward its weaker predecessors. But even a Spanish-Mexican past may contain some lessons for an Anglo-American present and future, and an occasional jotting from the brief and relatively unimportant annals of another age may prove of interest and profit to the people of the imperial State of today.

In the year 1718 the presidio of San Antonio de Béjar was established on the San Antonio river. During that same year, the mission of San Antonio de Valero was moved from the Rio Grande to the vicinity of the presidio. During the next decade, by the founding of San José and the removal of three missions from Eastern Texas, the number of religious establishments on the San Antonio was increased to five. The lack of success in peopling the province by means of the missions and presidios, led the Spanish government to take other measures, and, in 1730 and 1731, we have the momentous (for Texas) journey of the Canary Island emigrants¹ to people the villa of San Fernando, near the presidio of San Antonio de Béjar.

The story of their journey may be briefly told. After two preliminary decrees, one in 1722 and the other in 1729, a company of some fifty odd emigrants for Texas was gathered at the port of Santa Cruz, Teneriffe. In that port, on March 27, 1730, there was promulgated another royal decree, expressing the wish of the king that the viceroy of New Spain and all other officials who had to do with the new colonists should show them the kindest treatment possible.² This decree was probably published just before the sailing of the company. We next hear of them in Vera Cruz, where they ar-

¹See QUARTERLY for January, 1899, pp. 218, 219.

²Representation of *Cabildo* of San Fernando, March 5, 1735.

rived in the early part of June. Here Juan Cabrera, one of the party, died, leaving a widow, Maria Rodriguez, and three children. On September 9th they were at Guantitlan, a little village near Mexico, where a notary public made out a list of the families with a personal description of each member. On the fifteenth of November they left Guantitlan for their difficult overland journey to the San Antonio river. Their route, as mapped out for them, led them through San Luis Potosí and Saltillo.¹ In the latter villa, on the 29th day of January, 1731, the head men of the families appeared before a notary public, in order to attest the correctness of the lists of supplies furnished by Colonel Aguirre, the governor of Coahuila, or Nueva Viscaya, as it was then called.² Thence they continued their march, and, with a short stop at the presidio of San Juan Bautista on the Rio Grande, where they left their worn-out horses, they reached San Antonio de Béjar, March 9, 1731,³ having consumed the best part of a year in their arduous journey, and having cost the royal treasury so great a sum, that the authorities were unwilling again to undertake such a costly experiment. Thus, of the four hundred Canary Island families that had been mentioned as necessary for the "conservation" of the province, only sixteen, with an aggregate of fifty-six persons, had the opportunity to undertake this important task.

The mention of the number of families brings up one of the minor problems connected with the early settlement of San Fernando. It is almost impossible to harmonize the discrepancies in the various accounts, but it may be helpful to compare three lists of the heads of the families made in three successive years. The first was made in Guantitlan, September 9, 1730; the second, in Saltillo, January 29, 1731; and the third, in the presidio of San Antonio, February 22, 1732. They are as follows:

¹*Colonos para Texas.*

²Portillo, *Apuntes para la Historia Antigua de Coahuila y Texas*, pp. 239 et seq.; William Corner, *San Antonio de Bejar*, p. 127.

³Decree of Viceroy Casa Fuerte, December 31, 1731.

Quantiltian List.

1. Juan Leal Goraz.
2. Juan Curbelo.
3. Juan Leal el Moso.
4. Antonio Santos.
5. Joseph Padron.
6. Manuel de la Niz.
7. Salvador Rodriguez.
8. Maria Rodriguez (widow of Juan Cabrera).
9. Maria Rodriguez (widow of Juan Rodriguez Granadillo).
10. Maria Melian (widow of Luca[s] Delgado).
11. Antonio Rodriguez.
12. Phelipe Perez.
13. Joseph Antonio Perez.
14. Martin Lorenzo de Armas.
15. Ignacio Lorenzo de Armas.³

*Saltillo List.*¹

1. Juan Leal Goraz.
11. Juan Curbelo.
2. Juan Leal el Moso.
3. Antonio Santos.
6. Manuel de Niz.
4. Salvador Rodriguez.
- (Signature for Maria Rodriguez.)²

(Signature for Maria Meleano).²

12. Phelipe Perez.
13. Joseph Antonio.
14. Martin Lorenzo.
15. Ignacio Lorenzo.⁴
5. Joseph Cabrera.
7. Francisco Arocha.
8. Vicente Alvarez.
9. Juan Delgado.
10. Marino Melano.
12. Antonio Rodriguez.
13. Jose Cabrera.
11. Francisco Arocha.
10. Vizente Albares Travieso.
9. Juan Delgado.
7. Joseph Leal.

¹In the second and third lists, the numbers at the left of the names indicate the order of the names in the respective documents from which the lists are taken.

²These names are not mentioned in the body of the document, but some one signs for them at the end of it.

³The last five were single men.

⁴This one and the three preceding are spoken of as single men forming one family.

The early proclamations of Viceroy Casa Fuerte mention only ten families, and this is the number of families appearing on the Guantitlan list, although five single men are mentioned. The company at Guantitlan numbered fifty-two persons. In his later proclamations the viceroy makes mention of the number of families as fifteen, with fifty-six persons. The list as taken at Saltillo mentions the number of families as sixteen, but the total number is still fifty-six. The names of Antonio Rodriguez and Joseph Padron are missing, and the four companions of the former still appear as "single men forming one family." Thus the increase in the number of the company cannot be accounted for by the marriage of four of the single men. A simple explanation would seem to be that, after the list was taken at Guantitlan, Francisco Arocha and Vizente Albares Travieso, with their wives, joined the company. These men acted as important officials for more than forty years, so it is natural to suppose that they were young men at this time. Perhaps the viceroy added them to the original company because of the lack, among its members, of suitable official material. At least the records do not show that Arocha was a native of the Canaries, and, although a later decree seems to hint that Albares Travieso was, it throws no light on the absence of his name from the Guantitlan list.

Of the other new names on the Saltillo list we may account for Joseph Cabrera as the son of Maria Rodriguez, widow of Juan Cabrera. Juan Delgado is probably the son of Maria Meleano, widow of Lucas Delgado. The names of Maria Melian in the first list and Marino Melano in the second are so similar as to give rise to the supposition that there may have been a mistake on the part of one or both notaries. At any rate the name of Marino Melano does not appear in succeeding records.

On the list taken in the presidio of San Antonio the name of Antonio Rodriguez again appears as one of the "heads of families." Perhaps he may have become such, in the meantime, or may represent himself and his companions, still regarded as "constituting one family." His absence at Saltillo, as well as that of Joseph Padron, may possibly be accounted for by their lagging behind the rest of the company or by carelessness on the part of the notary. Joseph Leal, the only new person named, is another son of Juan Leal Goraz. The names of the widows do not appear, doubtless because they were sufficiently represented by their sons. The number of

families, as given on this list, is thirteen. As stated above, the number was variously reported as ten, fifteen, and sixteen, while still another document later gives the number as fourteen. The list was taken at San Antonio when the seventy-one horses that had been left at the presidio of the Rio Grande were to be distributed to the settlers.¹ It would seem that on such an occasion, if ever, all of the families ought to be represented. In view of such documentary evidence as we now have at hand, further speculation concerning names and the number of families seems useless.

So much for the Canary Island immigrants. But they were by no means the only bona fide settlers of the vicinity. Indeed, in a petition of 1745, Pedro de Ocon y Trillo claims that they have no right to the title of "first settlers"; that there were already a number of settlers gathered about the presidio and in their name he claims that they are "the true and most ancient inhabitants and conquerors of that territory," and that, too, at no expense to the royal treasury. The documents of the period often refer to residents (*vecinos*) of the presidio, as well as to soldiers, and it is only reasonable to suppose that many of the soldiers, on completing their term of service, would take up land as actual settlers.² Ocon y Trillo himself is spoken of in one document as a former resident of Saltillo, and was doubtless attracted to the vicinity by the fact that the captain of the presidio, Thoribio de Urrutia, was his brother-in-law. Very likely family connections with those in the presidio brought other settlers from various parts of Mexico. In later years, when earlier jealousies had been forgotten, presidial settlers were merged with the Canary Islanders, and new and old were styled alike "citizens of San Fernando." Among the new family names that appear in the villa records during the first two decades of its establishment, may be mentioned those of Hernandez, Valdez, Peña, del Valle, Flores, López, Castro, Nuñez, Treviño, Ximenez, Cavo, Menchaca, Urrutia, Gonzales, de los Santos Coy, Martinez, Guerrero (or Guerro), Montes de Oca, Sanchez, Monte Mayor, de la Serda, etc., etc., and this list is by no means exhaustive.

¹Captain of Presidio Juan Antonio Perez de Almacen to viceroy, February 22, 1732.

²Talamantes mentions this in his *Historia*, par. 21. Several real estate transfers show that it was a customary practice.

At the same time, in the presidial records, are to be found among the names of soldiers and *vecinos agregados*, those of Carabajal, Bueno de Roxas, Estrada, Bacilio del Toro, Galvan, de los Rios, Calvillo, Ruiz, Ocon y Trillo, Saucedo, Garza, etc., etc. With greater research these lists might be more fully extended, but from manuscripts so far consulted, it would be impossible to make out an absolutely complete record. It would be equally impossible, at present, to give the exact date when each new family first appeared in the community. We can only note, as they appear on the records, the names of well-known families, and the accompanying dates, at best, would be only approximate.

Among other sources from which the new villa drew its population may be mentioned the Tlascalán Indians,¹ and the various Indian tribes of northern Mexico. The latter were first brought to the missions, owing to the lack of suitable native Texas material for these agencies of civilization, and afterwards gradually worked their way through these establishments into the villa. This process, although it consumed a long time, was encouraged by the original settlers, who were anxious to secure the neophytes as servants and laborers.

From the various sources mentioned, it will readily be seen that by no means all of the principal Mexican families of the present city are of Canary Island descent. But, from whatever source they came, the early settlers of the villa soon took on the same character—a character that will be briefly described in the following pages.

Before the arrival of the new colonists, the governor of the province was to have provided plans for laying out the new villa, setting specific portions for building lots, pastures, and *labores*, and to assign to each family a lot for residence and a *labor* for cultivation. Each family was to enjoy the use of the common pasture lands and of water for irrigation from the San Antonio or the San Pedro. The decree of the viceroy enjoining these preparations was to remain in the “strong box” of the *cabildo* for future reference.² In

¹Yoakum, *History of Texas*, I 79. The authority in the manuscripts for his statement, however, appears slight. The documents *Representacion to Ripperdá* (1770) and *Testimonio de un Parecer* (1744) mention only families in the vicinity as joining the “Islanders” in forming the villa. The report of De Croix (1778) says that thirty families of “creoles or natives of these kingdoms” joined them.

²Casa Fuerte to Bustillos, November 28, 1730.

the early part of 1732, about the time government aid to the colonists was withdrawn, the distribution of lots and *labors* was made, each head of a family receiving his title in the name of His Majesty. This record of individual assignments, known as the "*Cartilla de Particion*", together with the above decree of the viceroy, form the basis for the land titles of this section. Mention is made of both of these documents in 1762, at the time of the *residencia* of Governor Navarete, but they have long since disappeared. Some attempts have been made to get the originals from Spain, where it is supposed that they are deposited, but so far in vain. In many of the early transfers of which there is record, mention is frequently made of "the share and right of the original founders, as given by His Majesty."¹ Doubtless, by an exhaustive study of such real estate transfers of this early period as we have recorded, and by a careful comparison with later deeds and present maps, it would be possible to reconstruct, almost entirely, the original plan of the villa. This, however, would be a task of more than ordinary difficulty.

The land records seem to show that many changes had to be made in the viceroy's plans for laying out the city, he merely following the general regulations of the *Laws of the Indies* upon this point. General regulations had to yield to physical conditions imposed by the position of rivers, the slope of the land, etc., and by the still more urgent necessity for an easily defensible position. Mention is made of a common pasture land, both north and south of the villa, instead of on all sides, and lying between the San Antonio and San Pedro. Very likely this division was adopted for the sake of greater compactness and ease of defense. In some cases the building lots are less than the 240 feet square provided by the viceroy. The many turns of the river also interfered with the regularity of the lots.² These and many other causes combine to render this task of the restoration of the plan of early San Antonio a truly arduous one.

The conditions that confronted the new colonists were not such as to promise great prosperity for the colony. Shortly before their

¹Urrutia to Rodriguez; Rodriguez to Castro, 1749.

²Rodriguez to Curbelo, May 22, 1749; Rodriguez to Castro, April 8, 1749.

arrival the presidial garrisons had been greatly reduced. As a natural result, the hostile Indians had been emboldened to break out into actual warfare, in 1730, just previous to their coming. With these hostile Indians the few soldiers of the weakened garrisons were utterly unable to cope. The very soldiers themselves were, in many ways, to prove a hindrance to the development of the villa, as they had been all along to the growth of the missions. The missions also were sufficiently near the new settlement to allow the mixing of herds and other pretexts for quarrels, of which all parties were only too ready to take advantage. Thus, instead of two warring factions, the authorities had now to deal with three, and the task, as time went on, by no means promised to lighten.

In addition to these discouraging surroundings, the means of simple existence were not wholly certain. A large portion of the finished materials for their houses, and of living necessities (for the time at least) had to be transported on pack animals from the interior of Mexico.¹ This was the case with supplies for the presidial garrison, and must necessarily continue for some time for the new colonists. The new settlers were supposed, ultimately, not merely to support themselves, but in addition, to produce enough of the ordinary crops to supply the various garrisons; yet their scanty crops of the first few years imperfectly fulfilled these expectations. Under such conditions we should hardly expect the most energetic of people, transported from an island home to the wildest of inland wildernesses, immediately to adapt themselves to their surroundings, and those from the Canaries showed little disposition to do so, either at first or shortly thereafter.

Perhaps it was because the authorities in Mexico realized these facts and felt a little uncertain of their colonists, that they early took precautions to lose none of the number by desertion. Late in 1731, Juan Leal Goraz appeared in the City of Mexico with a petition from his fellow-colonists for those horses that had been left at the presidio of San Juan Bautista. He succeeded in his object, but the viceroy took advantage of the occasion to rebuke the governor for allowing Goraz to leave the province, and forthwith issued an order that, thereafter, under no pretext, were the Canary Island settlers to be permitted to leave the province.²

¹Representation of *cabildo* to Governor, March 5, 1735.

²Decree of Casa Fuerte, December 31, 1731.

Naturally the order caused some hard feeling on the part of the settlers and soon a specific case was brought before the authorities. Vicente Albares Travieso, the *alguacil mayor*, asked for permission to go to Mexico, or, at least, to Saltillo, to be cured of a severe illness from which he was suffering. He did not mention the disease, but, from his subsequent importunity, it must have been dangerous. There appeared to be no one in the province who could cure him. Although he claimed that the decree of the viceroy applied only to matters of business and offered to bring witnesses to certify to the truth of his statement, his petition was in vain.¹ The next year, the other members of the *cabildo* came to his assistance and in a series of petitions asked the governor for the specific decrees by which he refused their associate's request. They spoke of the great injustice done them, in being the only settlers refused free departure from the province, and mentioned the obligation of the government to fulfill the promises by which they were induced to make their voluntary journey from their distant island home. Surely, they said, the authorities would not refuse the first settlers of the place license to leave the province, upon such a serious matter as seeking the necessary cure for diseases. With reference to the prohibition against leaving the province for commercial purposes they complained of the difficulty of maintaining themselves by means of their scanty products, with no opportunity to seek other markets.

What seemed to make this prohibition especially galling was the fact that the new settlers who had joined them, and all others of the vicinity, had the privilege of going freely, back and forth, for the purpose of trading, while the Islanders, the "voluntary first settlers," were restrained. They bitterly contrasted this with the fair promises made them before their departure and the considerate treatment they had received everywhere along the route of their journey. Here, in their chosen abiding place, they lived in a state of captivity, virtually worse than that of the galleys. Thus complaining, they sent their petition to Governor Sandoval, asking for copies of the orders concerning their detention, and desiring the governor to forward their petition and complaint to the viceroy, at his own expense.²

¹Petition of Travieso.

²Petitions of *cabildo*, February 6, and March 5, 1735.

Although the good governor thought they had little cause for complaint, in view of all that had been done for them and in consideration of his uniformly just treatment of them, yet, at their request, he forwarded their petitions. By the next year the new viceroy, Bizarron, got around to consider matters relating to the far off province of "Texas, or New Philippines." He tried to improve the condition of the villa by ordering the captains of the various presidios to give preference to its settlers, when buying provisions, and to pay for the latter at the current market prices. Thus the infant city was early to begin its policy of depending largely for its maintenance on a military post. With reference to the petition of Vizente Albares Travieso, backed up by the representations of the *cabildo*, the governor advised that he be allowed to go to Saltillo for medical treatment, but that a special watch be kept at Vera Cruz, and that, if he attempted to leave the country, he be arrested as a deserter.¹ From this decree we should infer that Travieso was one of the Canary Island immigrants. Although there is no further reference to the fact, we may infer, from succeeding practices, that the severity of this restriction upon the movements of the "Islanders" was subsequently much relaxed.²

With the colonists safely settled on the San Antonio river, and with all necessary precautions taken to keep them there, attention may be given next to a consideration of their character. Upon this point there is a wide variety of testimony so conflicting in its nature that it is almost impossible to form a just estimate. In their own petitions and other papers, they show such an exaggerated idea of their own importance, and are so anxious to impress upon governor, or viceroy, or presidial captain the great favor they rendered His Majesty in coming to this remote frontier settlement, that we can place little reliance upon what they say. We must likewise make allowance for the interested statements of their enemies. Most of the earlier testimony is of one kind or the other. Fortunately, we have some later testimony of a more disinterested kind, to which we may add many unconscious touches from the earlier records.

One of their early enemies, Pedro de Ocon y Trillo, makes the

¹Decree of Bizarron, January 24, 1736.

²*Representacion á Ripperdá*, July 7, 1770.

statement that the immigrants were not of the best quality of the people of the Canaries, so it may be interesting to determine their position in the social system of New Spain. One of their leading members, Juan Leal Goraz, describes his occupation by no higher title than that of small farmer (*labrador*). Francisco de Arocha, the notary (*escrivano público y de cabildo*), and the person of greatest education in the company, acted as cashier (*cajero*) of the goods and rations served to the soldiers of the garrison. Many of the other settlers use the name *labrador* to describe their occupation. Evidently they were all of the lower laboring or farming class of their native islands, and we should naturally expect such to be chosen to people the Texas wilderness. Arocha, who seems to be an exception, did not appear among the other settlers at Guantitlan.¹

In contrast with a somewhat sparing use of the names denoting their occupation, is their use of their newly acquired titles. These may, indeed, fit like new garments and lack the cleaving qualities that come with long use, but they are very much in evidence upon every possible occasion. As a sample we may take this: "Juan Leal Goraz, Spaniard and settler [*poblador*] by order of His Majesty (whom may God guard) in this Royal Presidio of San Antonio de Vejar and Villa of San Fernando, Province of Texas, or New Philippines, and present senior Regidor of the said Villa, and farmer [*labrador*]." ² Perhaps the final word detracts somewhat from the previous title, but it will be noticed that it is inserted where it will do the least harm to its dignity. As if this were not enough, Goraz later adds: "I am one of the principal settlers, by order of His Majesty," etc. ³ Two years later his title has undergone further change and he then appears as "Perpetual *regidor* of the first vote of the villa of San Fernando and ordinary alcalde of said villa, by His Majesty," etc. ⁴ In that same year he gives a short review of his career and shows that a colonial judge of the Canaries selected him as head of the families bound for New Spain, that the

¹See lists as given above.

²Petition of July 7, 1733.

³Petition of July 21, 1733.

⁴Proclamation, April 19, 1735.

viceroy had reappointed him to that position, and that the *cabildo* had also favored him by choosing him as *alcalde*.¹ He seems fond of the expression "principal settler," which often appears in his petitions, proclamations, etc. In another place he styles himself, "Spaniard, settler, and farmer, senior *regidor* for His Majesty, etc., and *alcalde* of the first vote." On the whole he appeared to have an abundance of titles for a petty justice in a frontier hamlet. Consequently it is not at all strange that his proud spirit should resent the term "Morisco," as applied to a man of his "grey hairs" and dignity by a disrespectful and quarrelsome young fellow-settler.²

The worthy Goraz, however, has his imitators. Antonio de los Santos speaks of himself as "a man well-born, and of the qualities and customs of good Christianity." Juan Leal Albares, son of Goraz, follows well in his father's footsteps by styling himself "*regidor* and settler." Antonio Rodriguez is content with simply linking the titles, "citizen and *procurador*." These few examples will serve to show the tendency of the colonists to make the most of their new titles.

A childish pride in long or high-sounding titles is not their only fault. Very early in the history of the villa, the viceroy pronounced them impertinent in their demands. This was on the occasion when Goraz came to the City of Mexico to ask for the travel-worn horses left at the presidio of San Juan Bautista. These horses belonged to the government and had merely been used for the transportation of the immigrants. According to the decree of the viceroy, November 28, 1730, the colonists were to be provided with other domestic animals, but no mention is made of horses. Very likely the good viceroy thought that enough had already been done for these people. He granted their request, however, and this was doubtless the important thing for them. At the same time he took occasion to forbid their leaving the province, under any pretext, and also made mention of the daily assistance the colonists were to receive for a year after their arrival. This aid from the general government was to cease March 9, 1732, so the date of their arrival may be regarded as fixed, at just a year previous to the above date.³

¹Response, May 14, 1735.

²Petition vs. Patricio Rodriguez, August 29, 1734.

³Proclamation of Casa Fuerte, December 31, 1731.

Their petitions, or rather demands, for a parish church exhibit much of the quality of impertinence as well as helplessness in doing anything for themselves. There were two mission churches fairly near them and it seems that they could have arranged for services in one of these. But they could not be satisfied, save with an edifice of their own, and they thought that a contribution of \$24,000 from the royal treasury should be made for this purpose.¹ It will be observed that the date of this representation is about seventeen years after their arrival and ten after the probable laying of the corner-stone of the edifice. Evidently they had done very little to help themselves, in the interim, so the authorities donated only one-half of the sum asked for, but stated explicitly that no more need be expected. The government had set a bad precedent in paying all of the early expenses in settling the municipality.

As a partial excuse for the childishness and injustice of these settlers' demands we may mention their ignorance. In the earliest documents containing their signatures we find many who did not know how to write, for whom others must sign "by request." Thus Arocha, the notary, signs one document for Martin Lorenzo, the second alcalde, and Juan Curbelo, a *regidor*. In the same document Goraz asserts that he could find no person in the place, who was able to write enough to witness his papers; and he himself was so troubled with short-sightedness that he could not write a counter-charge which he had to make against the three above mentioned. His signature, as well as that of the others who claimed to be able to write, shows a lack somewhere. Joseph Padron and Manual de Niz, both of whom later acted as alcaldes, must have some one sign for them. Francisco Delgado, Patricio Rodriguez, and Joseph Leal, all members of the *cabildo*, were under the same necessity. Juana de Urrutia and Plova de los Santos Coy request others to sign deeds for them. If this was the condition in the earlier days, educational matters must have been much worse in the next generation, with the still fewer advantages of a frontier hamlet. So we need not be surprised in the following years to find such a report as this: "The officers of San Fernando form a most ridiculous *cabildo*, because of the ignorance of all, and do many absurd and shameful things, because of the difficulty of appeal to distant superiors."² There

¹Incomplete document, seal of 1747-'48.

²Report of De Croix, September 23, 1778: *Archivo General, Historia*, 43.

appears to have been no attempt at public education, with the possible exception of efforts on the part of the village curate to instruct in a few simple religious truths. Aside from the curate there appears to have been, in the early days, no representative of the learned professions, not even a physician.¹

In the course of his report the Chevalier De Croix says: "All of the inhabitants [of San Fernando] live miserably because of their laziness, captiousness, and lack of means of subsistence, which defects show themselves at first sight, so that little time is necessary in order to know them." Their lack of the means of subsistence may readily be explained by their laziness, and, indeed, this characteristic makes itself apparent throughout the whole course of their history. But one can find much excuse for these characteristics of the colonists in the paternalistic policy of the government and its unwise fostering of their pride by specious promises and empty honors. In addition, the hard conditions of life that surrounded them would have discouraged any but the most resolute spirits, and no one pretends to say that these Canary Islanders ever exhibited any great craving for a strenuous life.

Again, in his report De Croix says "It is not difficult for them [the members of the *cabildo*] to confuse everything and to reduce to disputes and litigious discussion whatever is pleasing to them, and never to clear matters up." If the second generation of the villa settlers were plagued by litigation and private quarrels, it was because such methods had been so well taught them by the first. Scarcely had the new settlers received possession of their lands, before a quarrel broke out between Goraz and Padron about the exact limits of their respective allotments. The value of the land involved was infinitesimal, but it thoroughly stirred up the little villa during the year 1733, involving the greater part of the municipal officers, as well as the governor, and resulted in about six months' imprisonment for Goraz. At least, so he charges; but the imprisonment does not seem to have been more confining than to his own dwelling. The villa did not then have its own lock-up; but made use of the prisoner's house, in case of minor offenses, or of a private house and keeper, or the guardhouse of the presidio, in those of a more serious nature.

Two years later, Juan Leal Goraz is himself in power, as first

¹See petition of Travieso, above.

alcalde; and in his attempts to reform certain public abuses, he encounters factitious opposition among his fellow-officers. Thinking that proper respect has not been shown him, in his official capacity, he orders the arrest of Martin Lorenzo, his associate alcalde; Juan Curbelo, *regidor*; and Francisco de Arocha, the notary. Then the governor is indeed overwhelmed with petition and counter-petition. There are complaints of undue severity, of imprisonment, and of insult to official position. There is the assertion of present official power and statement of the value of past services. There are quotations from the *Laws of the Indies*, reviews of past customs of the village, hints of malicious underhand dealings on the part of high officials, and threats of appeal to the viceroy. All of this consumes time, so there is a long imprisonment for the three offenders before the viceroy can order their release.

Goraz also has previously had some trouble with Patricio Rodriguez about some money Rodriguez's father owed him. Rodriguez not only injures his honor by calling him a "Morisco," but threatens more lasting damage with a gun. This leads to several months' imprisonment of Rodriguez, with petitions from his mother and full statement of charges by Goraz. Finally the village curate has to bring into requisition his good offices, and he secures the release of the erring young man. Juan Leal Alvares wishes to recover a mule from Joseph Padron and invokes the aid of the law. There are a number of suits brought against various residents by merchants of Saltillo and elsewhere, to collect notes and bills of credit. With such a beginning the tendency to engage in law suits easily becomes a fixed habit in the municipality. This tendency betrays a quarrelsome disposition on the part of the residents. In the various cases mentioned above there are references to previous troubles and charges, even while upon their journey from the Canaries. It is charged that funds have been misappropriated, or that some one has uttered treasonable expressions against the king. The most serious charge of this sort is that of Goraz against Curbelo, who is accused in 1734 of making the statement that he would not obey the royal commands, and, as a consequence, suffers a short imprisonment in the presidial guardhouse. There seems to have been very little tendency on the part of these litigants to take the law into their own hands. Serious crimes, too, are very rare for a frontier village garrisoned by rather unruly and vicious soldiers.

More serious than their internal quarrels, however, was the tendency of the Island settlers to embroil themselves with the neighboring soldiers, settlers, and missionaries. The question of the pasturage of the presidial cattle and horses and of the preservation of the crops of the settlers offered a perennial source of dispute. The settlers claimed that the cattle from the presidio and from the missions frequently ruined their crops. In return the others claimed that the crops should be fenced, and that the settlers killed or lamed their animals. In 1737 matters came to a crisis and the acting governor, Captain Thoribio Urrutia, who also acted as principal justice for the province, issued a proclamation against all illegal practices of this sort. The people of the villa responded through their *cabildo*, representing that they were too poor to build the necessary fences, and asking that no horses or cattle be pastured without a keeper. They also demanded payment for 400 *fanegas*¹ of corn, which they claimed the animals had destroyed. In his reply Captain Urrutia complained bitterly of the fact, that, when he had issued a proclamation that was just to all, the *cabildo* should answer in such a discordant manner, especially when it was necessary for all to live in peace and harmony in order to present a bold front to the enemy that surrounded them. Later he attended a meeting of the *cabildo* and read a statement that four presidial cattle had been killed during the year, and that the cattle had been five times in the settlers' corn, with a total damage of not more than fifteen or twenty *fanegas*, and for this he was willing to pay. He gave command to the soldiers not to injure the horses or crops of the "Islanders," and to the latter he represented the little cause they had for complaint. So for the future they promised to act with more discretion and justice.²

A few years after the members of the *cabildo* had some difficulty with Captain Urrutia, and even went so far as to send complaints of him to the viceroy. When the latter's reply was received, they patched up some sort of agreement with Urrutia, which they mutually pledged themselves, under penalty, to keep. As a sort of safeguard the *alcaldes* were given concurrent jurisdiction with the *justicia mayor*.³

¹A *fanega* is equal to about two bushels.

²Proclamations of September 28, 1737, and following.

³August 26, 1745.

Not content with merely raising disturbances about matters in which they had some direct concern, the members of the *cabildo* even went out of the way to seek trouble with their neighbors. They made out a lengthy complaint about the missions and the missionaries in charge, as if the latter were in some way responsible for the miserable condition of the villa. They reviewed the whole of the missionary movement, dwelt upon the lack of success of the missionaries, and recommended the abandonment of the missions, with the possible view of obtaining an addition to their narrow population. The bishop of Guadalajara had previously written them a note expressing his sorrow at existing relations and promising an investigation,¹ but evidently the bishop's decision was not satisfactory to the settlers, for they wished their later complaint to be forwarded to the viceroy.² Those making this representation claimed that they did so because of the many complaints concerning themselves sent to Mexico.

As an example of contemporary opinion of the Island settlers may be taken the petition of Pedro de Ocon y Trillo. He makes his statements in behalf of his brother-in-law, Captain Urrutia, as a representative of the presidial settlers. The "Islanders" had made a lengthy complaint of the captain; and to this Ocon y Trillo replies that it is nothing but a mass of injurious reports, by which they are attempting to harm, not merely the captain, but all conditions of men living in the vicinity, and not even the sanctity of the mission fathers is safe from their venomous attacks. All this tissue of false reports lacks both substance and proof and only serves to make known the disdainful, caviling, and perverse qualities of said "Islanders." Elated with the title of "*pobladores*," they wish to be the only settlers of this land and look with depreciation upon those who were already gathered there. These latter, without any cost to His Majesty, were, and are, the true and most ancient settlers and conquerors of the land. There are five classes of people in the vicinity, the "Islanders," the collected (*agregados*) settlers, soldiers, Indians, and churchmen, to which enumeration may be added the captain of the presidio and the governor of the province as head of all. It is a notorious fact that the "Islanders" complain

¹Communication of the bishop of Guadalajara, May 9, 1754.

²Representation of *cabildo*, August 25, 1756.

bitterly of all the other classes, including the captain, whom all others praise. The captain had served under three governors, noted for their strictness, and they had nothing but commendation for him. Only these few upstart families bring their malicious charges against him. The paper ends abruptly at this point, but from a date quoted, we can easily imagine that the agreement mentioned above, between the *cabildo* and Captain Urrutia, was the outcome of this vigorous representation.

I may possibly have pursued this subject to an unprofitable length. The life of the early settlers of San Fernando was simple, crude, and unattractive in many features, but as an element in the early development of our State and its chief city, it may possess some phases of permanent interest. Oddly enough there is taking place in our country, today, a movement similar to the journey of the Canary Island immigrants. Porto Rico is sending her surplus laboring population to the Hawaiian Islands, just as the Canaries, nearly two centuries ago, sent a few families of this class to the wilds of Texas. It has seemed the tendency of Spain to fill up her island empire, in order to supply workers to the needy portions of the world, when the demand should come; and this process is going on when her islands have slipped from her grasp. Perhaps, in this insignificant earlier movement, there may be some lessons to be learned, some mistakes to be avoided, some suggestions to be followed, that will help to make the latter movement still more successful. As the Spaniard, by a century of struggle, helped in a measure to make Texas ready for the great Republic that was to absorb it, so may our new citizens, because of the previous example of a small company of their fellow countrymen, bear an important part in the expansion of the American people to the westward.

BOOK REVIEWS AND NOTICES.

The Land of Sunshine continues its good work in publishing important documents selected from the sources of Southwestern history. The June and July numbers (Vol. XIV, No. 6, and Vol. XV, No. 1) contain a translation of the *Diario* of Alferez Don Miguel Costansó, which is an account of the joint land and sea expedition made to California in 1769 and 1770 under the direction of Señor Don Joseph de Galvez. Costansó was an engineer and was cosmographer for the expedition, and thus writes from the non-ecclesiastical standpoint. On page 478 of the June number is printed a fac-simile of the title page of the *Diario*.

The leading article in the July *Publications of the Southern History Association* is a very excellent sketch of President William L. Wilson, who will perhaps be better remembered as Postmaster General under President Cleveland. In its preparation the writer has drawn extensively on President Wilson's private diary, so that the paper partakes largely of the nature of an autobiography. Another article that will interest especially Southern readers is Mrs. M. E. Robertson's account of *President Davis's Last Official Meeting*, at which were present such of his officers and members of his Cabinet as were with him in Georgia just previous to his capture.

In the September *Publications* Prof. Ficklen, of Tulane University, has a paper entitled *Was Texas Included in the Louisiana Purchase?* A more extended review of it will be given in the January *QUARTERLY*, when the writer's reasons for maintaining the negative against Prof. Henry Adams will be critically examined.

The only other article in this issue is by Miles White, Jr., on *Henry Baker and Some of His Descendants*. Baker was one of the ancestors of Johns Hopkins.

The July number of the *American Historical Review* is an unusually large one, containing 250 pages plus an index to Volume VI, of which this is the last number. Of the leading articles two relate to European history. *The Republic of San Marino*, by William Miller, is a brief sketch of the history of the only survivor of the

mediæval Italian republics. *The Risings in the English Monastic Towns in 1327*, by Norman M. Trenholme, is a study of the struggles of the mediæval monastic towns to obtain franchises from their lords, the monks. Two leading papers are on American history. H. P. Biggar contributes *The French Hakluyt; Marc Lescarbot of Vervins*, in which he describes and critically discusses the writings of Lescarbot, whom he calls "the first historian of New France." *The Transition from Dutch to English Rule in New York*, by Albert E. McKinley, is a study in institutional history. Three sets of documents are printed, namely: *Letters of Dr. Thomas Cooper, 1825-1832*; *Letters on the Nullification Movement in South Carolina, 1830-1834, I*; and *A Ministerial Crisis in France, 1876*. Professor Albert Bushnell Hart contributes *A Trial Bibliography of American Diplomacy*, that will no doubt prove very useful to students.

The Proceedings of the Texas Veterans' Association at the Twenty-eighth Annual Reunion, and *The Proceedings of the Tenth Annual Meeting of the Daughters of the Republic of Texas* have been received. The meetings named were held contemporaneously—which is the custom of the two organizations—in Austin, April 20-22, 1901. The Proceedings of the Veterans contains reports of the addresses of welcome made by Mayor White, President Prather, and Mr. J. W. Dibrell; the response for the Veterans by ex-Governor Lubbock, and that for the Daughters by Mrs. Nellie Steadman Cox; and the memorial sermon by Rev. C. P. Goodson. The total membership of the Association is given at ninety-four, thirty-nine being men, and fifty-five women. The death roll for the year previous amounts to eighteen. The Proceedings of the Daughters contains the response by Mrs. Nellie Steadman Cox already mentioned; the address of Mrs. Urwitz as presiding officer; the reports of the secretary, the assistant secretary, and the treasurer; the minutes of the executive committee; the historian's report; the report of the presentation of a Texas flag to the State University by the Daughters, including, among other things, the address of presentation by Senator J. A. Beall, and that of acceptance by Chairman T. S. Henderson of the Board of Regents; the letter of President Prather offering a prize of one hundred dollars for the best historic song or poem on *The Texas Flag*; the reports of the various chapters; the

address of Mr. Carlos Bee to the Daughters on April 22nd; and an appendix, in which are printed an announcement of the offer of President Prather, the memorial address of Mrs. Cone Johnson delivered for the Daughters, a poem, *San Jacinto Day*, by Mrs. Mary Saunders, a historical sketch entitled *The Last Messenger from the Alamo*, and a copy of a letter relative to the son of Travis published in the *Houston Post*, both by Mrs. Looscan, an account of the presentation of a Texas flag to President McKinley by the Daughters, a "roll of honor," including the names of those who have taken the gold and silver medals offered by the Daughters, the charter, constitution, and by-laws of the organization, and a list of members.

NOTES AND FRAGMENTS.

CAPT. JESSE BURNAM'S NAME.—As intimated in the editorial note on page 12 of the July *QUARTERLY*, historians have spelled his name "Burnham"; but he evidently spelled it Burnam; for I have had extensive correspondence with some of his intimate acquaintances, all of whom so spelled it. One of these correspondents was his youngest son, who wrote to me a short time before his own death.

W. P. ZUBER.

"THE ESCAPE OF ROSE FROM THE ALAMO."—The editorial footnote (on page 5, Vol. V, No. 1, of the *QUARTERLY*) to the article bearing this title is correct, to wit: "In the letter carried by Smith [dated March 3d, 1836], Travis says, 'Col. J. B. Bonham * * * got in this morning at eleven o'clock.'" I remember to have read the letter, as it was printed in hand bill form, not many days after it was written. I should have noted this myself, but happened not to think of it. Yet, considering the circumstances under which Travis wrote, it does not disprove my position that he wrote it after midnight, on the morning of March 3d.

It is very probable that Travis had not slept since Bonham's arrival. Under such circumstances it is not uncommon for persons, conversing or writing, to make such blunders as to say this morning or this evening for yesterday morning, or for last evening or tonight. It is not unreasonable to infer that Travis, being weary, made such a blunder; and, as he was unquestionably pressed for time, failed to discover the blunder, or had not leisure to correct it. The distance which Smith rode after the writing proves this hypothesis to be correct. A ride of one hundred and eighty miles in three days is more than man or horse could perform.

My inference is that Bonham arrived at eleven o'clock on March 2nd;—more probably p. m. than a. m., as he could escape the vigilance of the Mexican guards and scouts more easily in the night than in daylight.

W. P. ZUBER.

THE BEGINNINGS OF HOPKINS COUNTY.—Late in December, 1842, William Hargrave and his brother, Harvey Hargrave, moved into what is now Hopkins county from Red River county. There were in the two families eighteen persons, five of whom are now living. At that time there was only one other family living in Hopkins county, that of Mr. John Bivin, whose home was four miles east of Sulphur Bluff. The first week in January, 1843, "Uncle Billy" Barker settled south of White Oak, six miles west of Sulphur Springs. In 1843, Capt. E. M. Hopkins moved into the settlement from Red River county, and his widow, "Aunt Rebecca," still lives in Hopkins county.

The first mill in the county, a grist and saw mill combined, was a water mill built by Robert Hargrave upon the old bluff on South Sulphur in 1844.

The first burial in the county was on the 26th day of August, 1843. The first wedding was on the 16th day of October, 1843. The license was procured at Clarksville, Red River county, fifty miles away, and the minister rode from Clarksville on horseback to perform the ceremony. The first barbecue was on the 4th of July, 1845, near the water mill on South Sulphur. The first election was held on the first Monday in September, 1844, at the same place, it being a part of Lamar county at that time. There is only one man living now who voted at this election. It is "Uncle Perry" Hargrave, and he is eighty years old. His children and grandchildren today are drinking water out of the first cistern that was dug in Hopkins county. This cistern, which dates from 1842, is situated in the northeast portion of Hopkins county, sixteen miles from the county seat, Sulphur Springs.

MRS. STELLA PUTMAN DINSMORE.

Sulphur Springs, Texas.

THE NUMBER OF "DECIMATED MIER PRISONERS."—Mrs. Adèle B. Loosean, historian of the Daughters of the Republic of Texas, is entitled to our gratitude for her note (QUARTERLY, Vol. V. No. 1) on the "*Letter from a Mier Prisoner to His Mother*"; but the number of those who were subjected to the "death lottery," as stated on page 67, is erroneous,—probably a misprint.¹ Their number was not one hundred and seventeen, but one hundred and sixty-five;

¹It seems to have been such.—EDITOR QUARTERLY.

hence, the number seventeen was as nearly a precise decimation as could be made. I learned this from a letter directed to Hon. Jesse Grimes, but addressed to all citizens of Texas,—especially to those residing in and near Grimes Prairie and Alto Miro,¹ Montgomery county. It was written at Castle Perote, Mexico (I do not remember the date), in the handwriting of Capt. J. G. W. Pearson; and signed by J. G. W. Pearson, Leonidas Saunders, Sidney S. King, — Middleton, — West, and probably others. Pearson was one of the first settlers of Robertson's Colony, but then resided in Grimes Prairie. He was distinguished as having commanded several companies in service against Mexicans and Indians. Saunders was a young lawyer, and had served one term as chief justice of Montgomery county. King resided in what is now Madison county. Middleton and West resided north of the San Antonio road,—I think in the present county of Leon. Saunders died in Castle Perote, of prison fever; and so, I believe, did West. Pearson, King, and Middleton lived to return home. During their imprisonment, King and Middleton were chained together; and became such friends that they determined never to separate. Accordingly, after their return home, they bought adjacent tracts of land, and built their houses near the dividing line, fronting each other, and not many yards apart.

Judge Grimes passed the letter to Mr. Fanthorpe, of Alto Miro, who called a public meeting at that place; and it was publicly read by James W. Barnes. Its signers stated that all the prisoners were in much need of clothing, bedding, and wholesome food; and solicited aid of their countrymen in money, clothing, or blankets. They instructed us to send all supplies to a certain commercial house in New Orleans, which would forward them to a certain American firm in Vera Cruz, to be sent by American and English friends to the prisoners. They said that the two houses mentioned had promised to forward all supplies entrusted to them, free of charge; also that American and English friends would forward their letter to Judge Grimes. I handled that letter, and examined the writing and the signatures; though I did not read it all, but heard Barnes read it.

¹Both places in the present county of Grimes, which was then part of Montgomery. Alto Miro was a hamlet, the site of which is now embraced in the town of Anderson.

A committee was elected whose duties were to solicit, receive, and forward supplies, as directed in the letter. A subscription paper was immediately circulated, by which each subscriber promised, on or before a certain day, to pay to said committee a certain sum of money for the relief of our unfortunate countrymen who languished, as prisoners, in Castle Perote in Mexico. The sums thus promised amounted to between fifty and sixty dollars; but in consequence of the difficulty in forwarding,—and, I think, also the inactivity of the committee,—no relief was sent to the prisoners.

The letter gave a condensed but clear account of their capture, their cruel treatment, their march to the hacienda Salado, their escape and retreat, their recapture and return to the hacienda, the lottery of death, the execution of those who drew the black beans, their tedious march to Castle Perote, their imprisonment there, and the inhuman treatment to which they were subjected.

The account of the lottery, as I remember it, was as follows: The Mexicans placed one hundred and sixty-five beans, seventeen of which were black, in a crock. Then the prisoners, blindfolded, were led forward to the vessel, which was set on a block and covered with a handkerchief. Each had to run his hand under the handkerchief and draw out a bean. Then he was led back to his seat and his eyes uncovered. Being chained in pairs, all but one of the prisoners had to approach the vessel twice. When the drawing was completed a priest entered and offered absolution to those who had drawn the black beans and were to be shot. Only four of them accepted his offer. None of these were members of any church. The priest then conducted them into a room where he advised them and prayed for them about half an hour. Then the hands of the seventeen were bound and their chains were taken off. They were carried to the rear of the building and there shot. We could not see them, but we heard the firing and the groans and cries of some of the victims.

I noted that, according to the account contained in this letter, every tenth man was shot. Sixteen was less than the required number, and seventeen was more; and the Mexican commander had the larger number shot.

The letter closed with a request by Mr. West, who was unmarried, concerning his brother's little daughter. He had left a fine mare in charge of his brother; and, seeming to have a foreboding

that he would never see home again, he requested that his brother be instructed to sell the mare for his little niece when he should have opportunity, and invest the proceeds in cattle for her benefit.

Robert H. Dunham's letter to his mother reached her before the return of his surviving comrades. Doubtless some of them had opportunity to send it to her. She resided at Groce's Retreat, in the present county of Grimes. She had two sons in service in the Somervell campaign. The eldest, Capt. D. T. Dunham (usually called Tom) commanded a company under General Somervell, but he returned home from the Rio Grande. Her second son, Robert H. Dunham, was brigade major of Somervell's command; but he crossed the Rio Grande with Colonel Fisher, was in the surrender at Mier, and was one of the seventeen who drew black beans, and were shot by order of Santa Anna. He was a pious young man, and led prayer with his doomed comrades who declined the priest's service. The tidings of his violent death sorely grieved his aged mother, and was believed to have hastened her own demise.

W. P. ZUBER.

DID TEXAS SECEDE?—To what extent Texas, as a political body, was a party to secession will probably never be known. But that a greater part of the population of our State was in favor of the Union, I think is more than probable; and that the vote for secession did not receive the sanction of the people also seems probable. Had the votes of the country people, the farmers who lived away from the influence of political excitement, been fairly counted, it seems to me that the result would have been far different and that Texas would have remained in the Union and would have avoided the horrors of war as General Houston so eloquently besought her to do in his *Address to the People of Texas*, in which he tried to prevent the State for whose freedom he had shed his blood from rushing into a fate so dire as the one he foresaw would be hers in the war which was sure to follow disunion of the States.

I have often read that address of Gen. Houston's and talked with my mother of the vote which took our county, a part of Texas, out of the Union. I have also wondered if the experience of Chambers county was peculiar or general in the counting of votes, the result of which was to strew the bones of Texans over the fields of Virginia and so many other Southern States where they died gallantly

fighting for the "Lost Cause," a cause, alas, of which in their hearts they had not desired to make an issue.

To illustrate this I will relate an incident which occurred during the voting which was to decide whether Texas should remain in the Union or secede. This incident occurred at Double Bayou, a polling precinct of Chambers county, situated near Anahuac, the birth-place of Texas independence. "Straws show which way the wind blows." The result of this election, in that small and humble precinct, if it may be called an election, which was to determine whether Texas should secede or remain in the Union, seemed to show that she did not secede.

My mother was then residing at Smith's Point, which was included in Double Bayou polling district, with Wallisville as the county seat of Chambers county, the latter having formerly been a part of Liberty county. She was a friend of General Houston, whom she had loved and honored from her early childhood; and when she read his burning words against secession it seemed to her that they would certainly carry conviction to those who were about to vote on the fate of their country. Consequently, she asked her husband to take the address with him to the polls and read it to the voters. When he returned she asked him if he had read it. He answered that there was no use in reading it, as the voters were almost unanimously against secession. Out of twenty-two votes cast, the total number of votes in the precinct, there was but one for secession, and it was cast by a Frenchman, a gunsmith by trade; yet when the returns were published there were but nineteen Union votes in all of Chambers county, the rest being, of course, for secession. It is quite certain that the sentiment of the rest of the county, as well as that of East Texas, judging from the expressions of individuals in general, was about the same as it was in Double Bayou.

After the war began these same men collected from different parts of the county at Double Bayou, where my step-father drilled them. Some enlisted and some were conscripted, but however gotten, they were formed into companies and marched off to check invasion.

It seems that the question as to whether Texas seceded will always remain unanswered.

MRS. AGNES PASCHAL MCNEIR.

AFFAIRS OF THE ASSOCIATION.

A letter received some time since from one of the members of the Association brings information of the death of Mr. D. M. O'Connor, which had occurred, in fact, several months previous to the publication of the July QUARTERLY. The editor, however, had not then heard of it; and Mr. O'Connor was named in that number as a life member of the Association. Though he did not participate actively in the work of the organization, he gave it generous support; and in his death it has lost a friend that it could ill afford to spare.

The Association has received from Mr. R. A. Hanrick, of Waco, a leaf from *The Texas Sentinel* of July 11, 1840, containing a part of No. 4 of a series of letters by D. G. Burnet on the Indians of Texas, a report of part of the speech of Mr. Jack on the bill for the temporary location of the seat of government in the house of representatives, December 3, 1839; a clipping apparently from the same paper and of about the same date, containing two columns of advertisements referring especially to land certificates; and an almost complete copy of the same for July 18, 1840, containing the conclusion of Burnet's letter and Jack's speech. Another gift is a cannon ball found in the Southwest bastion of old Fort San Saba, and presented by the finder, Mr. J. W. Hunter, editor of the *Mason Herald*.

THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION.

Vol. V.

JANUARY, 1902.

No. 3.

The publication committee and the editor disclaim responsibility for views expressed by contributors to the Quarterly.

THE BEGINNINGS OF TEXAS.

Fort Saint Louis and Mission San Francisco de los Tejas.

R. C. CLARK.

To bring together a series of incidents that are properly a part of a larger narrative in such a manner as to give to them proportion and meaning is a task of considerable difficulty. It requires the compression into single paragraphs or sentences of circumstances and events the relation of which might well deserve chapters; the subordination of movements and occurrences that are of much importance; and the rejection of all material, howsoever interesting or valuable, that is not directly necessary to the construction of the special narrative. Such a task the writer has set himself in the preparation of this paper. It is his purpose to take out from the larger history of Spanish enterprises and endeavors in North America that specific connection of incidents pertaining to the first efforts of the Franciscan fathers to establish missions within the limits of the territory which later became known as Texas: in particular, to relate the history of the expeditions sent out in the years 1689, 1690, and 1691 by the viceroys of Mexico for the purpose of exploring the lands east of the Rio Grande, and

of establishing missions among the Tejas Indians; and to suggest the probable causes of failure of these early missionary efforts.

During the seventeenth century the rulers of New Spain slowly pushed their conquests northward and eastward. Along the frontier and limited upon the east by the Rio del Norte lay a vast undefined region known as Nueva Vizcaya, the eastern portion of which was unoccupied, except by a few outlying missions and presidios; and beyond this to the north lay still more extensive territories, unexplored, unknown, and nameless. Into this vast region lying eastward from the Rio Grande, which later became known as the New Philippines or Texas, there were, during the sixteenth and early part of the seventeenth centuries, many random or accidental excursions. The first of these chance explorations was probably made by Cabeza de Vaca, who in the year 1535, with three companions of the ill-fated de Narvaez expedition, set out from the island of Malhado, somewhere off the eastern coast of Texas, and with incredible hardships and dreary wanderings, finally, according to his own story, came out at Culiacan on the Gulf of California. In 1540 Francisco Vasquez de Coronado, governor of Nueva Galicia, who had been charged with the conquest of the country of Cibola, crossed the northwestern corner of the State.¹ Moscoso, the successor of Ferdinand de Soto, probably led his men into the State from the east in 1543.² Espejo, Sosa, Oñate, Vaca, and many others, before the middle of the seventeenth century, were upon the lands east of the Rio Grande; but their explorations accomplished little, further than to stimulate curiosity concerning the eastern plains, and to give a vague notion of the geography of the country and the Indian tribes that inhabited it.

About the middle of the century, however, events began to trend toward a definite occupation of those lands. In the year 1661 Don Diego de Peñalosa, an adventurer from South America, became governor of New Mexico. While acting in this capacity he employed himself in making incursions into the lands east of the province. Whatever degree of extent or importance his explorations may have had, they were sufficient to arouse in him a desire to undertake a conquest of the eastern lands; with a view to which,

¹Winship's *Coronado Expedition*, in *Report of Bureau of Ethnology*, 1892-93.

²*Narrative of De Soto Expedition by the Gentlemen of Elvas*, in *Historical Collections of Louisiana*, Part III, pp. 176 et seq.

in 1664, he returned to Mexico, where he published extravagant accounts of the discoveries he had made, and endeavored to induce the viceroy to authorize further explorations and conquests. In this effort he was unsuccessful, and, becoming involved in a humiliating quarrel with the Inquisition, he was compelled to leave Mexico.¹ After many vicissitudes of fortune he turned up in France, where, in the year 1682, he made representations to Louis XIV and his ministers in the hope that he might interest them in his projects.

Meanwhile, there had been an uprising of the Indians in New Mexico and many Spanish and friendly Indians had been slaughtered. In 1682 General Otermin, governor of New Mexico, determined to abandon the pueblo Isleta del Norte and take with him the friendly Indians from that place and those who had taken refuge there. With these Indians the *padres* founded three mission pueblos in the south. One of these pueblos, named Isleta,² was situated about twelve miles southeast of El Paso, on the eastern bank of the Rio Grande. Although this settlement is existing today, its establishment had no important influence.

While Peñalosa was a petitioner at the court of France, another line of forces, the spiritual, was beginning to operate toward the opening up of the territory east of the Rio Grande. In the year 1683, while the Spaniards were resting at El Paso from the long and exhausting struggle with the Indians of New Mexico, a messenger came from the chief of the Jumana tribe asking that missionaries be sent to his people, and bringing glowing accounts of the Tejas, which lay far to the southward. In response to this request the governor of New Mexico allowed an expedition to be organized under Juan Domingo de Mendoza, the spiritual interests of the enterprise being entrusted to Father Nicholas Lopez. The company descended the Rio Grande to the junction of the Concho, from which point it advanced eastward beyond the Pecos, and if we may trust the statement of Mendoza, penetrated to within twenty leagues of the nation of the Tejas. The expedition failed to accomplish the purpose for which it was organized, but it seems to have

¹Margry, *Notice sur le Comte de Peñalosa*, III 39-44; Shea, *Peñalosa Expedition*, 8-23.

²Bancroft, *History of Arizona and New Mexico*, 190-191; Raines, *Bibliography of Texas*, XV 160.

impressed deeply the imagination of both Father Lopez and Captain Mendoza. On their return they proceeded at once to the City of Mexico, where they urged the viceroy to undertake the conquest and Christianization of those eastern lands; and when they failed to arouse in him sufficient interest, they sent memorials to the king of Spain, with descriptions and maps of the lands they had visited. These representations, assisted no doubt by the earlier and more extravagant statements of Peñalosa, aroused the interest of the court to such an extent that a royal order was issued to Father Alonzo Posadas to make report upon the explorations that had been made of the lands east of the Rio del Norte, of the nature and resources of those lands and of the Indian tribes inhabiting them. In accordance with this order Father Posadas, in the year 1685, made what is apparently a full and truthful statement of all the explorations that had been made eastward from New Mexico, with such account of the geography of the country as, from his information, he was able to make.¹

But the government of Spain was not yet ready to make a definite advance toward the occupation of the territory northeast of the Rio Grande. It required the incitement of an imminent menace to Spanish authority in those lands to call forth a positive effort. This threat of supplantation came with the effort of the French to establish a colony upon the coast of the Gulf of Mexico.

It has already been noted that the Count of Peñalosa, after his failure to interest the viceroy of Mexico in his behalf, went to France with the hope of retrieving his fortunes.² Recounting his story of fabulous lands and wonderful cities, he endeavored to interest the king in an enterprise to establish a colony at the mouth of the Rio Bravo. In a memoir dated January, 1682, he set forth the "advantages that might accrue to the king and his people" from the establishment of such a colony.³ In 1684 the Sieur de la Salle returned from America, where for several years he had been wandering in the valley of the Mississippi, bringing encouraging reports of the lands he had explored and new plans of conquest.

¹Bancroft, *North Mexican States and Texas*. I 387-388.

²Margry, III 39-44.

³Ibid., III 44-48.

In a series of memorials¹ he presented a program of territorial extension in the new world, which was strikingly similar to the plan already outlined by Peñalosa. It was an elaborate scheme of aggrandizement at the expense of Spain, to start from a colony to be established near the mouth of the Mississippi. There is little doubt that La Salle and Peñalosa met² and compared plans and were inclined to assist one another. Peñalosa went so far as to abandon the idea of a colony at the mouth of the Rio Bravo. He proposed to proceed at once to the West Indies, organize a force of filibusters, and descend upon Pánuco—the northern outpost of the Spanish settlements upon the coast of the Gulf of Mexico—whence he would coöperate with La Salle in the conquest of the rich lands of Nueva Vizcaya.³ Whether Peñalosa received any recognition of his proposed enterprise from the French government, it is unnecessary here to discuss. For palpable reasons Louis XIV was willing to strike a blow at Spain in her American possessions; and the prospect of adding to the dominion of France the valuable mines of Sonora and Sinaloa was, to his active imagination, especially attractive. Accordingly, April 14, 1684, La Salle received his commission to conquer and govern that portion of North America extending from Fort Saint Louis on the Illinois river to New Biscay.⁴

It would be inconsistent with the purpose and limitations of this paper to give more than the briefest outline of the voyage and subsequent adventures of La Salle. Having received his commission he went to work to enlist his company and equip the expedition. For the transportation of his people to the new world he secured four vessels—the *Joli*, a ship of the royal navy of thirty-six guns; a storeship called the *Aimable*; the *Belle*, a frigate; and a ketch, the *St. Francis*. On the 24th of July, 1684, the ill-sorted company, consisting of two hundred and eighty people⁵—seamen, sol-

¹Margry, II 359-373; III 15-36.

²Beaujeu á Cabart de Villermont. Margry, II 428.

³*Memoire sur les affaires de l'Amérique*, Margry, III 48.

⁴*Historical Collections of Louisiana*, IV 267.

⁵Winsor (*Cartier to Frontenac*, 310) says 280 persons *besides* seamen and soldiers, making the number about 400. Joutel (Margry, III 92) says about 280 persons *including* seamen and soldiers.

diers, priests, artisans, women and children—embarked from the port of Rochelle; and eight months later, about the middle of February, 1685, after many hardships and misadventures, having missed the mouth of the Mississippi, it passed through the narrow channel between Matagorda Peninsula and Matagorda Island into the bay of Matagorda. It will be sufficient merely to indicate the events that followed,—the landing upon the sandy shore of the bay, which the French called Bay St. Louis; the loss by criminal carelessness of the storeship *Aimable* with the provisions, arms, and supplies that were on her; the departure of Beaujeu with those of the expedition who had become discouraged or dissatisfied; the settlement of the colony a few miles inland on the Lavaca River; the sickness, accidents, and misfortunes by which the company of two hundred was soon reduced to a few score; and La Salle's three painful efforts to pass overland to the Mississippi, ending with the tragedy of his murder by his own men.¹ The fate of the few unfortunate persons who were left at the village of St. Louis, as it touches the enterprises of the Spaniards, will appear as we proceed.

One incident only of La Salle's outward voyage is important for our purpose to mention: that is the capture by Spanish cruisers, in September, 1684, off the island of San Domingo, of the ketch *St. Francis*.² From the prisoners thus taken the Spaniards learned of the intention of La Salle to make a settlement upon the coast of the Gulf of Mexico. Alarmed by this intelligence, the viceroy, the Marquis de Laguna, wrote to the governor of Havana instructing him to prepare at once a frigate under command of Juan Enrique Barroto to examine the coast of the Gulf and find out the purpose of the French.³ Barroto, accordingly, in the year 1686, sailed out of the harbor of Havana, and passed along the shores of the Gulf, exploring its bays and inlets but found no sign of the French.⁴ In the following year the Conde de Monclova dispatched two brigantines to make a further search for the settlement of La

¹*Relation de Henri Joutel*, Margry, III 91-534; English translation of Michel's abridged edition, London, 1714; also apparently the same translation in *Historical Collections of Louisiana*, Part I.

²Margry, III 99.

³Cavo, *Los Tres Siglos de Mexico*, II 65.

⁴*Ibid.*

Salle; but though they found the fragments of a wrecked vessel, the village of St. Louis several miles inland escaped their notice.¹ In the year 1688 the Spaniards received further and more definite information regarding La Salle's enterprise;² and in that year and the year following expeditions were sent out under command of Don Andres Pez, an experienced seaman, who made a thorough examination of the entire coast, but still found no evidence of the existence of a French colony.³

While these efforts were being made by sea to discover the settlement of the French, expeditions were sent also by land. By order of the viceroy, in 1685-86, the Marquis de Aguayo, governor of the New Kingdom of Leon, sent Captain Alonso de Leon with a company of fifty men to explore the coast northward from Tampico toward the Rio Bravo. Descending to the coast, Leon advanced to the Rio Grande, which he crossed with some difficulty, and proceeded thence northward to the mouth of another river which he called Rio Salo; and, being unable to cross this river on account of the lagoons at its mouth, he abandoned the enterprise, not having come near Espiritu Santo Bay, nor heard anything of the French. Not long afterward a similar expedition of two companies of cavalry under command of Captain Leon proceeded up the coast to the Rio Bravo, crossed it, and advanced to the Rio Salo, and was again unable to go any further. Having heard nothing of the French settlement, Captain Leon concluded that the report of its existence was unfounded, and made no further efforts in that direction.⁴

At this time Fray Damian Manzanet, a missionary friar lately come out from Spain, was residing in the mission of Caldera in Coahuila. Learning that the governor was desirous to know of the

¹Cavo, *Los Tres Siglos*, 70. Joutel (Margry, III 167) says that they saw a sail of what they supposed to be a Spanish vessel about the beginning of April, 1685. This must have been a vessel sent out much earlier than any of those mentioned by Cavo, Bareia, and others.

²Cavo (*Los Tres Siglos*, II 72) says that in 1688 the Spaniards captured another French ship and learned from one of the prisoners that a French colony had been established on the Gulf coast.

³Cavo, *Ibid.*, II 70.

⁴*Carta de Damian Manzanet*, THE QUARTERLY, II 281-82. This is the only known authority for the first two expeditions of Leon.

presence of any Frenchmen who might be in the lands east of the Rio Grande, he made inquiries of the Indian converts at the mission, and at length learned from one of them that there were white men living among the northern tribes. A short time afterward an Indian of the Quems nation came to the mission and upon being questioned told Father Manzanet that upon the coast to the north there was a village where were many white men with arms and large guns. He said also that he had been in that village and could lead the Spaniards to it.¹

These facts being brought to the knowledge of Captain Leon, who had been made commandant of the *presidio* of Coahuila, he undertook to make further investigations to determine the truth of the Indian's statements. By his order the Indian, Juan, who had first given information of the presence of the Frenchmen, went to a *ranchería* sixty leagues to the north to bring back a white man whom he had seen there. He succeeded in inducing the man to come to another *ranchería* nearer to the *presidio* of Coahuila, whither Captain Leon went with a company of twelve men and without difficulty brought him away. This man, Juan Francisco (Juan Enrique) was an old Frenchman, a native of Cheblie [Quebec (?)] in New France; he was probably an early deserter from La Salle's colony. He was brought to the viceroy, the Conde de Monclova, who at once ordered Captain Leon to renew his efforts to find the French settlement. For the new expedition it was provided that Leon should have a company of eighty men, forty from the *presidios* of Vizcaya, and forty from the New Kingdom of Leon. Fray Damian Manzanet was made chaplain of the company.²

On the 27th of March, 1689, the force from Coahuila joined that from New Leon on the Sabinas, and the expedition set out. Three days later they crossed the Rio del Norte, and guided by the Quems Indian, who professed to have been in the village of the French, advanced northeast.³ The country which they traversed was for the most part easy and hospitable, affording abundant water and

¹*Carta de Damian Manzanet*, 282-83.

²*Ibid.*, 283-84.

³*Derrotero de la Jornada que hizo el General Alonso de Leon para el descubrimiento de la Bahía del Espíritu Santo, y Poblacion de Franceses año 1689.* MS. p. 3.

forage. They passed over broad stretches of prairie, broken with occasional hills, and varied with dense thickets of mesquite and thorny shrubs. On the prairies were vast herds of buffaloes which afforded an abundant supply of meat for the company while it was on the march. They crossed and named the rivers Nueces, Sarco (Frio), Hondo, Medina,¹ and Leon² (San Antonio), and on the 14th of April camped near the Guadalupe. Here Captain Leon called a consultation to determine the best plan of approaching the French village, which the guide informed them was not far distant. It was thought best, after deliberation, that a part of the company should advance to the village, while the rest went into camp at a spot agreed upon. Accordingly Captain Leon set out with sixty men to the southeast.³

When they had gone a short distance the rear guard captured an Indian. He conducted them to his *ranchería* where, upon inquiry, they learned that a few days before four white men had passed with a band of Tejas Indians,⁴ going toward the north. They learned also that the village of the white men upon Espiritu Santo Bay had, about two months before, been plundered, and that all the people, except a few who escaped, had been put to death by the coast Indians.⁵ From this *ranchería* Captain Leon went on in pursuit of the white men of whom he had heard, until he came to another village of Indians, where he was informed that the white men had gone on across the San Marcos River (Colorado). As he was already separated by a considerable distance from the rest of his company, and as he was told by the Indians that he would not be

¹*Derrotero de Leon*, 3, 4, 6.

²The Leon was called an *arroyo* (creek), which seems to me to indicate that it was crossed rather high up.

³*Derrotero de Leon*, 6.

⁴Fray Francisco de Jesus Maria (*Relacion* MS. 112), after a residence of a year and three months at the mission of San Francisco de los Tejas, has this to say of the name Tejas: "I observe that the name Texias includes all the friendly nations; this name is common to all of them, though the language may be different. The friendly nations, which by another name are called Texias are as follows:" He then mentions twenty tribes, which with the nine tribes of the Asinais constitute the Tejas Nations.

⁵*Derrotero de Leon*, 7.

able to cross the San Marcos, he decided to abandon the pursuit and to send a letter by an Indian to the Frenchmen, assuring them of the kindly intentions of the Spaniards, and telling them to go on to meet him at the place where the village had been.¹

Having dispatched this letter, Captain Leon resumed his march southward, and on April 22 reached the village and fort of St. Louis, near the La Vaca river. All there was deserted and silent. About the yard were scattered the contents of plundered houses,—broken chests and boxes and barrels; the broken tackle of a ship; a great number of books with leaves torn and scattered, but bearing still the evidences of costly bindings; and broken cutlasses, and the stocks of many arquebuses with locks and barrels gone. On the prairie near by lay three dead bodies, one of which, from the fragment of a dress that still clung to it, appeared to be that of a woman.² The village consisted of five or six small houses of palisades, plastered over with mud, and covered with the skins of buffaloes; a larger house where apparently animals were kept; and a wooden fort, made from the timbers of a wrecked vessel. The fort had four lower rooms, one of which had served as a chapel; and above these rooms was an upper story which had been used for a storeroom. Scattered about the fort were several swivels and eight small guns of four or six pounds, some upon the floor and some upon their broken carriages. Upon the casing of the principal door of the fort was inscribed the year of its occupation, with other details of the history of the village.³

Before setting out upon the return journey Captain Leon descended to the coast and explored the bay of Espiritu Santo.⁴ Skirting the shore for many leagues, he saw the shattered spars and broken timbers of a wrecked vessel. On his return to the fort he found that the Indian messenger had arrived bringing a letter from the Frenchmen. They asked the Spaniards to wait for them, saying that they would be on in a few days; that they were waiting for another Frenchman who was with some Indians farther away.

While waiting for them Captain Leon with a party of twenty

¹*Derrotero de Leon*, 7; *Carta de Manzanet*, THE QUARTERLY, II 287.

²*Derrotero de Leon*, 10.

³*Ibid.*, 8.

⁴*Ibid.*, 12-13.

men set out to the east and discovered the Rio de San Marcos (Colorado), which he explored almost to its mouth.¹ He then returned to the place where his company had gone into camp, and found that the Frenchmen still delayed to come; whereupon he determined to go with a few men in search of them, sending the rest of the company on to the Guadalupe to await his return.² He accordingly set out with thirty men toward the country of the Tejas. After three days he rejoined his company upon the Guadalupe, bringing with him two of the Frenchmen; they were Juan Archbepe³ (Jean L'Archevêque,) a young man from Bayonne and one of the murderers of La Salle; and Santiago Grollet, a sailor who had deserted La Salle on one of his early journeys in search of the Mississippi. The other two Frenchmen, Pedro Muñi (Pierre Meusnier) and Pedro Talo (Pierre Talon), distrusting the Spaniards, preferred to remain with the Indians.⁴

From the captives the Spaniards learned more in detail the story of the destruction of the little colony in Fort St. Louis.⁵ Before the final catastrophe the smallpox had broken out among the villagers, reducing their number till there were scarcely more than a score left. La Salle had gone away with the ablest bodied of the men on a last toilsome journey in search of "the fatal river." Day by day the few men, women, and children left upon the shore of Bay St. Louis waited while hope slowly failed them. Around them was the unending wilderness, pathless and inhospitable; before them stretched a waste of sand beyond which spread out the wide, tantalizing expanse of the sea. Near the first of February, in the year

¹*Derrotero de Leon*, 13-14.

²*Ibid.*, 14.

³*Ibid.* Leon calls him Jacome, a native of Rochelle. Manzanet (*THE QUARTERLY*, II 291) writes the name as given above. Joutel (*Hist. Col. La.*, 154-155) mentions seeing him among the Cenis Indians on his journey from Fort St. Louis to Canada, 1687.

⁴*Interrogations faites a Pierre et Jean Baptiste Talon á leur arrivée de la Vera Cruz*, Margry, III 610-617. In this is given the reason as stated here why the two Frenchmen remained with the Indians.

⁵The account of the destruction of Fort St. Louis is given by Leon, *Derrotero*, 14-16; by the Talons, Margry, III 612-617; and by Barcia, *Ensayo Cronológico*, 294.

1689, the end came. They had been on friendly terms with the Indians around them, and suspected no evil. The savages came and went about the village, bartering for trinkets and professing friendship. But underneath this amicable pretension was a hatred which had existed since La Salle, soon after his landing, had taken from them their canoes; they were biding their time. One day five of them came to the village under the pretext of trading. They stopped at a house apart from the others and began to barter noisily. Soon all the people of the village, willing to accept any diversion to pass the tedious days, came out and gathered around the savages, watching curiously. Other Indians came and joined the boisterous colloquy. When all the white people of the village were in the house or near it, a band of warriors rushed up from the river, where they had lain concealed, set upon the villagers, and killed them all except five who were saved by the Indian women.¹ The five who were thus saved were the four children of the Canadian Talon, three boys and a girl; and a young man from Paris named Eustache Breman. The young Talons, before their rescue, had been compelled to see their mother killed before their eyes; their father had gone with La Salle on one of his early efforts to find the Mississippi and had never returned. After massacring the villagers the Indians had plundered the huts and the fort, breaking open the chests and scattering their contents, carrying away whatever they fancied, and breaking up what they could not use. The four Frenchmen, L'Archevêque, Grollet, Meusnier, and Talon had been absent from the village among the Tejas Indians when the savages fell upon it; but, according to the story told by L'Archevêque and Grollet, as soon as they heard of the fate of the colonists they descended to the coast and examined the plundered houses. They found fourteen dead bodies upon the sand, which they buried. They said also that they found and destroyed a number of barrels of powder which the savages had overlooked.²

Captain Leon also brought back with him to the Guadalupe the chief, or governor, of the Tejas Indians, who was treated with much kindness by the Spaniards, and in response gave many evidences of kindly disposition. The chaplain of the company, Fray Damian Manzanet, was especially impressed with the superior qual-

¹*Interrogations faites a Talons, etc.*, Margry, III 613.

²See *Derrotero de Leon*, 14-16, for story of the Frenchmen.

ities of the savage chief, and was zealous to win his good will, giving him many presents and other assurances of friendship.¹ The willingness and seeming sincerity with which the governor of the Tejas responded to these amicable advances encouraged the friar to make an effort to present to him the claims of the Christian religion. Making use of one of the Frenchmen as interpreter, he urged the savage chief and his people to become Christians, offering, if they wished it, to send priests to their village to teach them; and when the chief expressed his willingness to have the priests come among his people, Father Manzanet promised to return the following year at planting time. Thus upon the banks of the Guadalupe river the Tejas Mission was conceived. The missionary fathers of Mexico already had their eyes turned with zealous longing toward this nation of superior savages; but events hitherto had not been favorable to the establishment of a permanent mission among them. Now by the chance coöperation of temporal circumstances an opportunity was to be offered that held a promise of success for the efforts of the priests.

On the 3d of May the chief of the Tejas, with his attendants, departed, and at the same time Captain Leon and his company recrossed the Guadalupe and set out upon their return march. They reached the *presidio* of Coahuila the 15th of the same month, whence the two Frenchmen, L'Archevêque and Grollet, were at once dispatched in charge of Captain Francisco Martinez to the City of Mexico. The viceroy provided them with suitable clothing, and the following year they were sent with Don Andres Pez to Spain.²

¹THE QUARTERLY, II 290-291.

²Manzanet (THE QUARTERLY, II 291) says that L'Archevêque and Grollet were dispatched to Spain the same year. Cavo (*Los Tres Siglos*, 73) says they were sent in charge of Don Andres Pez. There is reason to believe that they returned to Mexico in 1691, and served in the army in the Northwest. Bandelier gives evidence to this effect. *Vide* the Bandelier collection of copies of documents relative to the history of New Mexico and Arizona (*Report of the United States Commission to the Columbian Historical Exposition at Madrid*), titles and numbers as follows: New Mexico, 1620-1729—No. 9, *Ynformación de Juan de Archebee y Antonia Gutiérrez, Viuda*, 1697; No. 12, *Ynformación y diligências matrimoniales de Pedro Meusnier y Lucía Madrid*, 1699; No. 45, *Inventarios autos de liquidación participación del caudal que quedó por la muerte del Capitan Juan de Archibeque*, 1720. New Mexico, 1682-1793—No. 8, *Ynformaciones matri-*

The accounts of this entrada of Captain Leon were received in Mexico with much enthusiasm. The story of the colony upon the shore of Espiritu Santo Bay, its establishment, unhappy experiences, and final destruction made an interesting narrative; but the interest of it was greatly increased by the suggestion of further and wider explorations and more important disclosures. Fray Manzanet and Captain Leon, desirous from different motives to urge on a second expedition, gave the best account they could of the lands through which they passed. The *padre* told of a nation of docile and friendly savages, able and willing to receive Christianity; and Captain Leon seems to have strained the truth in his desire to push the political aspect of the enterprise. The latter brought reports of another French village of many houses among the Tejas Indians, thus stimulating the fears of the viceroy, while Manzanet was appealing to his religious impulses.¹

Conference of the chief men of Mexico were called by the viceroy to deliberate whether any further steps should be taken in the matter. At these *juntas* Leon and Manzanet were present to urge their opinions in regard to a second *entrada*. At length after much discussion the viceroy determined to send out another expedition to the lands beyond the Rio Bravo. In its scope and purpose it was to be a marked advance upon the former expedition. Captain Leon was to inspect the bay of Espiritu Santo and its environs to ascertain whether there were left any Frenchmen of those who had come out with La Salle, or others who had arrived since, and was to destroy the wooden fort built by the French upon the La Vaca. He was also specifically instructed to inquire of the Tejas Indians whether they would receive missionaries; and, if they showed themselves willing, he was to conduct Fray Damian Manzanet, with such other Franciscans as Manzanet should select, to the village of the Tejas, and assist him in establishing a mission there. For the undertaking Leon was to have one hundred and ten soldiers, twenty from the *presidios* of Coahuila, forty from Sombrerete and Zacatecas, and the rest from the New Kingdom of Leon. Father

moniales de Santiago Geollet, 1699; No. 12, Ynformaciones matrimoniales de Juan del Archibequo y Manuela Roybal, 1719. In the Gilded Man, 289-301, Bandelier gives an interesting account of Jean L'Archevêque gathered from the old archives of Santa Clara, N. M.

¹THE QUARTERLY, II 293.

Manzanet selected to assist him in the missionary work he was to undertake the three Franciscan fathers Fray Miguel Fontecuberta, Fray Francisco de Jesus Maria, and Fray Antonio Bordoy.¹

On the 28th of March, 1690, the combined military and missionary expedition set out from the *presidio* of Coahuila. It was an indiscriminate company of tailors, shoemakers, carpenters, miners, and other persons of adventurous turn, and little suited to the arduous business of opening a new country or making permanent settlements. Crossing the Rio Grande they advanced northeast, following a course similar to that of the former journey. At the Guadalupe the main body of the army stopped, while Captain Leon with twenty men descended to the coast. They found no evidence that the fort had been occupied since they were there before, though there were many signs of the presence of Indians in the vicinity. Father Manzanet declares that he himself set fire to the dismantled fort, and as there was a high wind blowing in half an hour it was in ashes. Captain Leon and his party then went down to the bay and made a further examination of it, passing all along its shores, and exploring also the river upon which the Frenchmen had built their village.²

Having made a careful examination of the bay of Espiritu Santo, Leon returned to the camp on the Guadalupe, whence the entire company moved eastward toward the country of the Tejas, or Asinay. A small party which went on in advance encountered near the Colorado a band of Indians in whose company were two French youths,³ Pedro Talo (Pierre Talon) and Pedro Muñi (Pierre Meusnier). It appears⁴ that these two young men, who had been the companions of L'Archevêque and Grollet, had heard of the approach of the Spaniards, and not wishing to fall into their hands had left the nation of the Tejas, and that in their efforts to escape they encountered the advance guard of Leon's expedition and were made prisoners.

¹THE QUARTERLY, 293-294. The letter of Manzanet to which reference is here made contains the only contemporaneous account of this expedition and the founding of the mission San Francisco de los Tejas.

²Ibid., II 295-296.

³Ibid., II 301.

⁴From the Talons' account, Margry, III 614.

Captain Leon dispatched a messenger to the governor of the Tejas to announce the approach of the Spaniards, and in a short time he appeared with his attendants to welcome them. On the 22nd of May the company arrived at the chief village of the Tejas, where they were entertained with much kindness at the house of the governor. As the savages still showed themselves willing to have missionaries remain among them, the friars, with the assistance of Captain Leon, set to work at once to select a site for their mission; and as soon as this was done, they began to cut and haul logs to build a chapel, and a dwelling house for the priests. By the end of May the rude log church was finished, and on June 1st was consecrated with all solemnity.

The mission of San Francisco de los Tejas was situated somewhere between the Trinity and the Neehes rivers, probably nearer to the latter. It stood in the heart of a savage wilderness, four hundred miles from the nearest settlement. Near it flowed a small stream, and around it was a pleasant forest. The three friars, Miguel Fontecuberta, Francisco de Jesus Maria, and Antonio Bordoy, with Fontecuberta as president, were left to carry on the missionary work. They set themselves at once to learn the language of the Indians, making a list of their words and phrases, and using the young Frenchmen as interpreters.¹ Only three soldiers were left to protect the mission, it being the opinion of Father Manzanet that more would not be needed.²

The zeal which conceived this missionary establishment in the midst of an unexplored wilderness, and the self-sacrificing spirit of the holy men who undertook the well-nigh hopeless task of bringing the savage children of the forest to know and respond to the better impulses of the Christian religion are worthy of the highest commendation. But the wisdom of such an undertaking may well be questioned. It was based upon a confidence in the superior kindliness of disposition and capability of this particular tribe of Indians,—a confidence which subsequent events proved to be not well grounded. The Spaniards were yet to learn that the missionary fathers, howsoever patient and self-sacrificing they might be, could accomplish little toward bringing the Indians to

¹*Interrogations faites a Talons*, Margry, III 614.

²Manzanet (THE QUARTERLY, II 308) gives in detail the dispute between himself and Leon concerning the number of soldiers to be left.

respect the institutions and practices of civilization and Christianity without the constant assistance of the military to restrain the native impulses of the savage. To be successful the mission must advance with the *presidio*; this lesson the Spaniards had not yet learned. Moreover, the physical position of the mission of San Francisco was extremely unfavorable. Projected as it was a hundred leagues into the wilderness, remote and isolated, it had no natural source from which to renew its supplies of physical and spiritual strength. Its survival depended solely upon the persistence of a few priests and soldiers, sustained by the precarious favor of their savage beneficiaries or the chance coming at long intervals of relief expeditions from the far distant settlements of Mexico. The insincerity of the friendship of the Indians, the weakness of the guard left to protect the friars, and the remoteness of the church of St. Francis from the outposts of civilization were sufficient almost to foredoom the mission to failure.

On the 2nd of June the army set out on its return march, following the road by which it had come. On the way Captain Leon learned that there were among the Indians of the coast three French children, and he determined to go to rescue them. He accordingly descended to La Bahia and without much difficulty found the Indians with whom the children were. The savages had become so much attached to the white children that at first they refused to let them go, but at length they were induced to give them up in exchange for horses. These children¹ were the brothers Robert and Lucien Talon and their sister Marie Madelaine. They were taken to Mexico and later were sent to Spain.

Rejoining his company at the Guadalupe, Captain Leon continued his return march. The remaining days of the journey were marked by no incident of importance. From the report of Father Manzanet it appears that Captain Leon, upon setting out to return to Mexico, relaxed his control of his subordinates, allowing each one to do largely as he pleased. Thefts, quarrels, and fights were of daily occurrence; the animals were so carelessly attended that numbers of horses and mules were lost; the soldiers entered the

¹*Interrogations faites a Talons, etc.*, Margry, III 617. Pierre Talon says that when he found that the Spaniards treated him kindly he told them that he had three brothers and one sister in the country. His other brother, Jean Baptiste, was not found until the next year, as will appear further on in this narrative.

houses of Indians along the way, prying about, and in other ways making themselves exceedingly offensive; and when report of this conduct was brought to Leon he took no steps to punish the offenders or to prevent its happening again. With such incidents the march was continued to the Rio Grande. Here they were detained eighteen days on account of a rise in the river, and succeeded in crossing at last only by compelling the horses to swim. One man was lost in making this passage.¹

The successful establishment of a mission among the Tejas Indians stimulated both the political and spiritual authorities of Mexico to renewed enterprise. The practical difficulty of maintaining such an establishment so far from any base of supplies was scarcely considered; but with a zeal that gave promise of permanent achievement the rulers set themselves to formulate a program of further exploration and missionary effort. The acts of the viceroy received the royal approval, and another expedition on a more extensive scale was planned.² To command this third expedition the Conde de Galve appointed Don Domingo Teran de los Rios, governor of Coahuila and Texas. For the enterprise he was to have fifty³ soldiers; and forty skilled seamen were to be sent by ship from Vera Cruz to bay St. Bernard (Espiritu Santo) to act in conjunction with him.

The instructions of the viceroy for the equipping of the party and the prosecution of the enterprise were minute and definite. The purpose⁴ of the expedition as outlined was to be three-fold. In the first place it was to be a missionary enterprise. All the strength and resources of the expedition were to be directed primarily to enlarging the mission already established and to establishing eight other missions among the Indian tribes of the north, the Tejas, the Cadodachos, and one probably on the Guadalupe. To this end peaceable and tactful methods were to be used in dealing

¹THE QUARTERLY, II 310-311.

²*Ynstrucciones dadas por el Superior Gobierno, etc.*, in *Memorias para la Historia de la América Septentrional*, MS., XXVII 16 et seq.

³Bancroft (*North Mex. States and Texas*, I 403) gives this number, but I am unable to find in the documents before me any reference to it. Cavo (*Los Tres Siglos*, II 78), Bonilla (*Breve Compendio, etc.*, MS., Sec. 6), and Villa-Sanchez y Señor (*Theatro Americano*, 338) say 500 men.

⁴*Ynstrucciones dadas, etc.*, 20.

with the savages, with the design of conciliating them and inclining them to receive favorably the efforts of the priests. The natives were not to be harshly used, nor impressed into service, and were not to be abused in their property or their persons. In the second place, Governor Teran was to search the country to find out whether there were in it any Frenchmen or people of other nations of Europe, either in villages, smaller settlements, or living among the tribes of Indians. It was thought that there were still several of the companions of La Salle scattered among the Indians, and there was a lingering suspicion that there might be another French village somewhere to the north. The instructions of the viceroy called, in the third place, for a thorough exploration of the lands to the north, especially those occupied by the nation of the Cadodachos; the examination of the rivers to determine their courses, directions, sources, and mouths; and the observation of the various Indian tribes, their character, polity, and form of religious belief.¹

In order to carry out this extensive program the expedition was to be fully supplied with men, arms, and provisions. The personnel was to consist of fifty soldiers, nine priests, and such servants and attendants as were necessary; and in order the better to carry out the exploration of bays, inlets, and rivers forty men skilled in sea-craft were to be sent, as already indicated, to St. Bernard Bay to join the overland expedition. To support this company and to supply the mission already established, as well as others to be established, there were to be taken abundant supplies of provisions, arms, and munitions, large herds of horses and mules, and flocks of cattle, sheep, and goats. The use and dispensing of the provisions and supplies were placed entirely in charge of Fray Damian Manzanet, who was constituted by the viceroy commissary of the expedition; and only upon his order were these supplies to be appropriated and consumed, save such as were necessary for the immediate maintenance of the army. On the other hand, the military direction of the enterprise, the determination where it should go, what lands it should explore and courses follow, and the control of those who composed the company were, within the limits of his very detailed instructions, to be left to the discretion of Don Domingo Teran de los Rios.²

¹*Ynstrucciones dadas, etc.*, 16-23.

²*Ibid.*

It is to be remarked here that this third enterprise, as thus outlined in prospective, was far more extensive than either of the preceding ones. The first had been merely tentative and protective, sent out to ascertain the truth in regard to the reported French settlement. It had undertaken no occupation of the country, either political or religious. The second expedition was an advance on the first in that it provided for the establishment of missions among the Tejas Indians. It did not, however, attempt, or even purpose, a military occupation of the country; no garrisons were called for, and none established except the small guard left to protect the friars among the Tejas. Nor did it provide for any general or extensive spiritual conquest. The third expedition, however, in its scope, purpose, and equipment looked toward a general occupation of the lands to the northeast.

In accordance with the instructions of the viceroy the expedition was at once placed under way. The friars came up from the New Kingdom of Leon with the flocks and herds, and met the soldiers from Coahuila near the Sabinas; and on the 26th of May, 1691, the company of soldiers and friars with numerous attendants, and droves of horses, pack mules, cattle, sheep, and goats, took up its march toward the east. The young Frenchman, Pierre Meusnier,¹ was in the company, and probably also his companion, Pierre Talon. They advanced along the route of the preceding expeditions until they came to the Rio Grande, where they were detained for several days by a severe tempest of wind and rain. At the Hondo, being led by new guides, they left the course they had been following and pursued their way as directly as possible toward the country of the Tejas.² They crossed the rivers considerably higher up, giving to them all new names. The country over which they passed was similar to that described in the preceding journeys; vast prairies over which roamed countless buffaloes; dense thickets of mesquite and cat-claw; and numerous creeks and rivers whose banks were lined with walnut, cottonwood, oak, and elm.

On the 18th of June, near one of the branches of the Guadalupe,

¹Manzaet (*Diario que hicieron los Padres Misioneros*, in *Memorias para la Historia de la América Septentrional*, MS., XXVII 100), and Teran (*Descripción y diario demarcación ejecutada por el General Don Domingo Terán*, etc., *Ibid.*, 346) mention him.

²Teran, *Descripción y diario*, etc., 27.

they were met by Indians who brought letters from the friars at Mission San Francisco. From these Father Manzanet learned that there had been a great deal of sickness among the natives, apparently a form of fever, from which many of them had died; and that also, on February 5th of the year 1691, had died Father Fontecuberta.¹

June 27th the company reached the Colorado and passed down it several leagues, being compelled on account of the rugged conformation of its banks, to cross it three times. At the third crossing, on the eastern bank of the river, the company halted, while Captain Francisco Martinez, following the instructions of the viceroy, took twenty soldiers, one hundred and fifty horses, and a number of baggage animals, and descended to the Bay of Espiritu Santo to meet the expedition which was to come by sea from Vera Cruz. While the main party was in camp upon the Colorado, a number of Indians of the Tejas nation arrived, bringing report of several white men² who had come among the Cadodachos, and saying that these men lived in a village upon the bank of a river beyond the land of the Cadodachos.

On the 18th of July Captain Martinez returned, bringing with him two young Frenchmen whom he had rescued from the Indians. They were Jean Baptiste Talon and Eustache Berman,³ two of the five youths who had been saved by the Indian women at the time of the destruction of La Salle's colony.⁴ Martinez had remained at Espiritu Santo from the 6th to the 13th of July, and in that time

¹Manzanet, *Diario que hicieron los Padres Misioneros*, etc., 98-99.

²Probably Tonty and his men. They were among the Caddos about a year before this time. Tonty in his memoir (*Hist. Col. La.*, I 73) says that they reached the Cadadoquis on the 21st of March, 1690.

³*Interrogations faites a Pierre et Jean Baptiste Talon*, etc., Margry, III 613. In this Pierre says that his brother Jean Baptiste and Eustache Berman were left among the Indians when his brothers Robert and Lucien and his sister were rescued, and that they were found, not till almost a year afterward, by a third company of Spaniards.

⁴*Diario del Viage de'l Capitan Martinez*, MS., in *Memorias para la Historia de la América Septentrional*, XXVII 114. Capt. Martinez says there were two French boys and a little French girl. He secured the boys by threats and bribes, but it seems that he was unable to induce the Indians to give up the girl.

had seen nothing of the sea expedition; he had passed along the shores of the bay, making fires to attract the attention of any persons who might be in the vicinity, and questioning the Indians, but was unable to learn anything of the expedition. Leaving a letter with the Indians of the coast to be delivered to the Spaniards in the event of their landing, he then set out to return to the camp upon the Colorado to make report of his ill success.¹

A disagreement now arose as to what course should be followed. It was the opinion of Governor Teran that another detachment of ten men should descend to the coast, the main company waiting meanwhile, and remain fifteen or twenty days on the lookout for the sea expedition. But to this Fray Damian Manzanet and the other friars would not assent. It was their opinion that the company should proceed to the country of the Tejas, whence a party could be sent down to meet the seamen from Vera Cruz. As no agreement could be reached Governor Teran called a *junta* of the missionary fathers and principal officers of the company to decide the matter.² Father Manzanet, speaking for the friars, stated their reasons for opposing a second descent to the coast. He urged that the Indians of that region were unfriendly, and that a party of ten men would certainly come to harm; that the country for many leagues in the vicinity of Espiritu Santo Bay was a waste and would in no wise support men and horses; and that it was especially necessary for the company to proceed on the way to the land of the Tejas to relieve the wants of the friars and soldiers who had been for fourteen months without assistance, and were in great need.³ Although this argument was not without force, the plan of Governor Teran would have been, without doubt, the wiser; it would have saved much time and needless traveling, and might have given an entirely different ending to the expedition. But the judgment of the chief officer was overruled, and it was decided to proceed on the way to the mission.

¹*Diario del Martinez*, 114. On July 9th the Indians told Martinez that five moons before a vessel loaded with maize had been wrecked on the coast.

²Teran, *Descripcion y diaria*, etc., 31.

³*Parecer del Padre Comº. Fr. Damian Mansanet y demás Religiosos Misioneros Julio 19 de 1691*, in *Memorias para la Historia de la América Septentrional*, XXVII 84 (a la vuelta)-87 (a la vuelta). In this Father Manzanet gives in detail the reasons for continuing the march.

The expedition was delayed at the Brazos (called Rio del Espiritu Santo and San Geronimo) two days in crossing the floods, and another day at the Trinity. The friars became impatient at the slow progress of Governor Teran, and from the Trinity went on in advance toward the mission. They were met outside the village of the Tejas by the fathers Francisco de Jesus Maria and Antonio Bordoy, who confirmed the report of the death of Father Fontecuberta, and of the fatal sickness among the Indians. In a single month as many as three hundred died among the tribes of the Asinais, and among all the friendly nations called Tejas some three thousand died during the year 1690-91.¹

The friars also gave an account of the work they had done in the year since Manzanet had left them. They had continued their labors among the Asinais at Mission San Francisco, and at another mission established a few miles to the north upon a stream called Archangel San Miguel (probably the Neches). This second mission was built in June, 1690, and was the especial charge of Father Francisco de Jesus Maria; it was named Santisimo Nombre de Maria.² The labors of the fathers had not been without reward. They had succeeded in inducing a number of the Indians to receive baptism, among them the great Xinesi, head of the Asinais tribes. This chief, or governor, was baptized on his death-bed, but miraculously recovered, and according to Father Francisco became "a very good Christian, for he has given me his word that he will do nothing other than what I tell him."³ But the work of conversion had been necessarily slow on account of the numerical weakness of the missionary force, the difficulty of learning the native languages, and the indifference of the Indians. The heaven was too small to lighten quickly so large and ponderous a loaf.

Governor Teran with the soldiers, flocks, and herds reached the village August 4th, and was introduced into it with much ceremony by the governor and chief men of the Asinais. Delivering

¹*Relacion de Fray Francisco de Jesus Maria*, MS.

²*Relacion de Fray Francisco*, 104-105. In Teran's *Diaria* he mentions, p. 45, his arrival at Mission Santa Maria on his return from the sea. On his return from the country of the Cadodachos he speaks of stopping at this mission and continuing a league and a half to the southwest, till he arrived at Mission San Francisco (pp. 61, 62).

³*Relacion de Fray Francisco*, 120-121.

the presents and messages which the viceroy had specially directed should be conveyed to the governor and captains of this nation, Teran proceeded with due formality to constitute, out of the lands of the Tejas tribes, a new province which he called "El Nuevo Reyno de Nueva Montaña de Santander y Santillana."¹ He then delivered to the friars the flocks, herds, provisions and other supplies which had been brought for the support of the missions, and on the 24th of August set out to return to the Bay of Espiritu Santo to meet the sea expedition, which Captain Martinez had failed to find.

Recrossing the Trinity, Brazos, and Colorado lower down, he advanced as far as the Guadalupe, where he left the company under the command of Captain Martinez, and with a few men descended to the coast. He arrived September 8th, on the La Vaca, and found the company of seamen under Captain Gregorio Salinas de Varona awaiting him. It appears that they had landed on the shore of the bay July 2nd, and had been waiting ever since, though for some reason Martinez had been unable to find them. From this camping place of Santa Margarita² de Buena Vista Teran dispatched to the viceroy letters and reports of the progress of the expedition. He was compelled to wait eighteen days while the sailors were unloading the arms and supplies from the ships. In the meantime he sent for Martinez to come down and join him; and at length, September 27th, the combined forces set out from Santa Margarita for the New Kingdom of Nueva Montaña de Santander y Santillana.

¹Teran, *Descripción y diaria*, etc., 35.

²Bancroft (*North Mex. States and Texas*, I 404) locates Santa Margarita at the crossing of the Colorado. I am convinced that it was much nearer the bay, probably near where the village of St. Louis had stood. On his return Teran reached the Colorado on the 21st of August. He does not mention arriving at Santa Margarita. From the Colorado he travels twenty leagues to the southwest to the Guadalupe, then twelve leagues to the "River of the French," reaching it September 8th. He remains in this place, where he meets the sea expedition, until the 27th of September. He then resumes what he calls the "*Nueva Jornada Executada desde el Real de Santa Margarita de buena vista al la Nueva Montaña*," etc. He says (*Descripción y diaria*, 41) that he left Santa Margarita on the 27th of September, and reached the San Marcos (Colorado) October 1st, having traveled twenty-nine leagues. From these details it is clear that Santa Margarita was near the bay of Espiritu Santo. See also Teran's *Descripción y diaria*, etc., 73.

The unfortunate results of the long delay soon became apparent. The company had hitherto been favored with fair weather and tolerable roads; they had known little of the real hardships of exploring a new country. But henceforth the season was against them: the autumn rains set in; the rivers rose and inundated the valleys; the roads became muddy and well-nigh impassable: and, what with the mud and the swollen streams, the expedition did not reach the mission until the 26th of October.

Whether during the two months of Teran's absence the friars had made any attempts to establish other missions, it is impossible to ascertain. It seems probable, however, that they had confined their efforts to the missions already established, awaiting the return of the soldiers before undertaking to locate others, as provided in the instructions of the viceroy. Indeed, Fray Manzanares and his assistants, either because of the increasing practical difficulties of their work or the lack of proper support from the military, made no vigorous effort to carry out the elaborate missionary program, and soon it was almost lost from sight.

After resting his company for a week in the vicinity of the missions, Governor Teran was again ready to take up the march to the country of the Cadodachos. It was an exceedingly unfavorable time to set out on such a journey. The troublesome showers which had delayed the forces on their return from the sea were but a slight forewarning of the hardships they were soon to endure. The inexperienced adventurers had as yet felt only the milder hardships which are the common experience of pioneer explorers. Their easy passage, in the summer season, across the broad prairies of the southwest, where the supply of food for themselves and provender for their horses was abundant, had but poorly prepared them to undergo the severe privations of a winter journey through a dense, pathless forest. A wiser course would have been to wait in camp near the missions until the winter season was over; but Teran had apparently already lost faith in the expedition, and was anxious to have it done with; so on the 6th of November he advanced southeast across the San Miguel, and thence northward toward the land of the Caddos.¹

¹*Paso derrota y tanteo en la tierra que hice desde el dia 6 de Nov. de 1691 al Nuevo descubrimiento de la Nacion de los Cadodachos*, pp. 47-61 of Teran's *Descripcion y diaria*. This is the diary of Teran from Nov. 6, 1691, to Jan. 1, 1692, and tells of the journey to the country of the Caddos.

Each day the march became more arduous and painful. The endless stretches of forest and thicket afforded little pasturage for the beasts, consequently they were soon jaded, starved, and unable to travel. Day after day the rain poured, swelling the creeks to rivers and making the rivers impassable. There were very many of these streams to be crossed, the largest of which they called El Grande del Nombre; many of them they were compelled to bridge, and where that was impossible to cross on rafts. To add to the difficulties of floods and bad roads, the weather turned cold, snow fell, and ice formed on the *arroyos*. The unseasoned explorers, ill clothed and poorly fed, were soon in no condition to go further; the cattle and baggage animals were dying of starvation and cold, and the whole company was brought to a standstill. Leaving Captain Gregorio Salinas de Verona in command, Teran took thirty men and the strongest of the animals and pushed on. Father Manzanet and several seamen were in the party. At last, on November 28th, they reached the great river of the Caddos (probably the Red River). There was for them little pleasure or enthusiasm in the discovery; they looked on it rather with a feeling of relief at the prospect of speedily having done with a disagreeable business. Their examination of the river and the country adjacent to it was hurried and imperfect. In a lagoon a few hundred yards from the river they found a canoe, which they transported to the main stream, and Teran and several of the seamen embarked in it and rowed several miles down the stream, sounding it, and marking its windings. Teran also, the following day, crossed the river with Father Manzanet and visited the Indians¹ on the other side, finding them friendly and disposed to receive Christianity. But no missionaries were left among them. The severity of the season, and the lack of supplies necessary to equip a mission would have been sufficient to compel the postponement of missionary efforts among the Cadodachos, even if the friars had been willing to remain under such unfavorable conditions.

Having carried out his instructions as best he could under the circumstances, Governor Teran returned to where he had left his main party and began the return march. The severity of the weather continued. The rain changed to sleet; the undergrowth

¹Rivera (*Declaracion*, 83) says that the people were "larger, better featured, and more kindly disposed and affectionate than the Asinay."

of bushes and brambles became covered over with snow; the animals feeding upon the frozen shrubs grew leaner and more jaded, and one by one died. The soldiers were compelled at length to dismount, place the baggage on their saddle horses, and go on foot. Food failed them until they had barely one meal a day. Men became worn out and lagged behind; a negro trumpeter strayed away, and though parties were sent out to search for him, he was not found. December 30, the wretched company reached the mission of Santa Maria, where they remained a few days, and then moved on to Mission San Francisco.

The expedition was about to end in failure. Governor Teran had apparently had little heart in it since his first difference with the friars and had only persevered from a sense of obligation to the viceroy. The hardships which his people had been compelled to suffer, and to which they were little accustomed, had discouraged them, and had even cast a chill over the enthusiasm of the priests. Further differences arose between Manzanet and the soldiers. Governor Teran on the return march from the country of the Caddos had promised the soldiers that if they would take their saddle horses to carry the baggage, he would let them take fresh horses from those left at the mission for the march to the sea. But when they reached the missions, and were ready to set out upon their return to Espiritu Santo Bay, Manzanet refused to let them have the horses; nor would he even let them have a few cattle to support them until they came to the country of the buffaloes. Teran several times urged upon Father Manzanet the necessity of providing the men with horses and cattle for the return journey, and when the commissary still refused, he sent the soldiers to take what they wanted.¹ Thus the breach between the two leaders of the expedition was widened. The missionary plan seems to have been abandoned entirely; and the missions already established were not in a flourishing condition. The friendliness of the Tejas was not unmingled with duplicity; while professing good will in order to secure the presents which the Spaniards frequently made them. they were constantly pilfering from the missions and stealing and killing the animals.² Moreover, they attributed the disease and

¹Teran (*Descripcion y diaria*, etc., 61-63) gives details of this trouble between the soldiers and Manzanet.

²*Declaracion de Rivera*, 79.

deaths among them to the influence of the new religion which they had professed, and began to rebel against it and to threaten the priests.¹ These difficulties were aggravated by the harshness and lack of tact which marked the dealings of the soldiers with the natives. Indeed, to sum up the whole matter, the practical obstacles in the way of carrying out the missionary enterprise, together with the lack of harmony between the spiritual and military leaders of the expedition, prevented the establishment of a single one of the eight missions that had been contemplated in the organization of the enterprise. A strong man, convinced of the importance of the work he was set to do, might have reorganized the shattered expedition, infused hope into it, compelled obedience from the soldiers, sought out and punished the offending Indians, and carried the undertaking through successfully. But Teran had neither the executive ability nor the address necessary to prosecute such an enterprise, and was apparently only anxious to get safely out of it in such a manner as to satisfy the viceroy that he had not been lax in performing the duty assigned him.

Laying aside all unnecessary baggage, in order that the horses and mules might pass more easily over the difficult roads, the company set out January 9th for Santa Margarita and the sea. The winter was not yet over, and the constant rains had raised the rivers, until the country for miles along the way was submerged. The Trinity confronted them with a roaring current, which for thirteen days they were unable to cross. The Brazos stretched out before them like a sea of water, and when at last they succeeded in crossing, they were compelled to go on for miles through water and mud. At the Colorado they met a relief party, which had been sent out by the viceroy, and from there went on with less difficulty, arriving at Santa Margarita on the 5th of March. The whole company of seamen and soldiers embarked on the schooner Santo Cristo, and on the 24th of March set sail from the bay Espiritu Santo for Vera Cruz, reaching² there April 15, 1692, a little less than a year after Governor Teran had set out from Coahuila.

It has already been suggested with perhaps sufficient clearness

¹*Declaracion de Riviera*, 79-80.

²*Derrotero el Alférez Don Alexandro Bruno, Piloto de la Fragata Santo Cristo, de San Roman desde el día 27 de Marzo de año de 1692*, in *Memoorias para la Historia de la América Septentrional*, XXVII 76.

hy this expedition of 1691 failed to accomplish the primary purpose for which it was sent out. The weakness and unwisdom of Governor Teran, the jealousy and headiness of Father Manzanet, the failure of the military and spiritual forces to act in harmony, and the unusual hardships and privations which befell the untried company were sufficient to have brought a much less difficult enterprise to disaster. It is doubtful, however, whether even with the most favorable seasons and a perfect coöperation of priests and soldiers, the plan of the viceroy could have been carried through successfully. To form and to garrison properly eight or ten missions among the tribes of the Tejas and the Cadodachos would have required several hundred soldiers instead of the small number that composed Teran's company. It would have required also the establishment of some method of communication, at least reasonably sure and regular, with the distant towns and settlements of Mexico, whence supplies could be brought for the missions and *preidios*. But access to the lands of the Asinai and Caddos was, under the most favorable conditions, difficult. Remote, inland, and confined by dense forests and treacherous rivers, they could be reached only by long and tedious overland marches. To make a number of religious settlements in a region so remote and inaccessible would have been a task of immeasurable difficulty; and to establish them upon a footing of tolerable security and permanence would have taxed the energies and resources of an expedition much more intelligently planned and wisely executed than was the unfruitful enterprise of 1691.

Father Francisco, in his letter to the Count of Galve, sets forth some of the difficulties encountered during the year and three months in which he was chaplain of the missions among the Asinai. The many superstitions of the Indians, the adverse influence of their medicine men, the evil conduct of the soldiers who had been left to guard the missions, the difficult task of learning the many languages or dialects, rendered it impossible to accomplish much good. He wisely suggests that thereafter a strong garrison should be placed with each mission; that the soldiers who form these garrisons be married men; and that they bring with them their families, and thus constitute villages around the missions. He insists that in order to convert them the Spaniards must set them a good example. "And so I beg your Excellency," he

writes, "that you consider how this, as agreeable to the Lord, may not be lost by sending the criminals taken from the prisons, both unmarried and vagabonds, who, if they were turned loose among Christians, would do harm, and would here commit atrocities, and prevent the ministers of the Lord, by their depraved life and bad example, from gathering the fruit of these souls."¹ In this pathetic appeal we are able to read the causes of the failure of these first missionary efforts, and to foresee the policy which the Spaniards were constrained later to adopt in their efforts to convert the savage tribes.

Of the subsequent history of the missions San Francisco and Santa Maria little can be told in detail. As has been indicated already, the Indians began to give trouble before the departure of Teran's company.² A small guard³ was left to protect the friars, but it was altogether inadequate; and what little assistance the few soldiers might have rendered in preserving the missions from injury was precluded by their lack of discipline and self-restraint. So great, indeed, were the difficulties and discouragements that six of the friars who had come out with Teran's expedition refused to remain, and others, it seems, remained unwillingly. Manzanet, and the four or five friars⁴ who left with him, continued their efforts at San Francisco and Santa Maria for more than a year; but the work did not prosper. For two successive seasons the harvests were destroyed by drought; the cattle became afflicted with a disease from which most of them died, and those that did not were stolen by the natives; the soldiers became more unruly and offensive; and the savages grew constantly more threatening. In the summer of 1693 an expedition was sent up from Coahuila with fresh supplies for the missions; but it had not the effect of encouraging the friars to persevere; on the contrary, several of them took advantage of the opportunity to return to Mexico. Manzanet sent letters to the viceroy describing the condition of the missions, and

¹*Relacion de Fray Francisco*, 114-115.

²Teran, *Descripcion y diaria*, 46-47.

³Bonilla (*Breve Compendio*, MS., Sec. 6) has it a corporal with ten soldiers.

⁴Bonilla says fifteen priests, which is clearly a mistake. Teran, p. 63, says that six friars returned. Rivera, p. 83, gives reasons for their return.

setting forth their urgent needs, and asking especially that a sufficient number of soldiers be sent to secure the friars from the violence of the savages. But the government was not in a mood to do anything. There was no longer any urgent political reason for maintaining settlements beyond the Rio Grande. The alarm of a French occupation had passed, and there was a disposition to postpone to some future time the occupation of the eastern lands. On the 21st of August, 1693, the government ordered that the missions be abandoned, and instructed the priests to retire. In the night of October 25 the friars left the missions, burying the bells and such property as they could not take with them, and returned to Coahuila.¹ A little later, March, 1694, the viceroy formally ordered the abandonment of the province of Nueva Montaña, and Texas was left for twenty years to the undisturbed possession of the Indian tribes, to wait until another and more serious menace to their authority in the lands east of the Rio Grande should stimulate the rulers of New Spain to a saner and more determined effort to make good their title to that vast region by the fact of actual occupation.

The question may well be raised here, by way of conclusion, whether these several unsuccessful efforts to establish missions among the Tejas and Cadodachos were of any permanent value in the evolution of Texas. Without doubt, they were. A certain amount of substance and energy must always be wasted in forcing civilization into an unbroken wilderness. Each new country has its peculiar difficulties, which only experience can teach how to overcome. Paths must be traced, mountains and valleys traversed, boundaries searched out, and coasts and rivers explored; and these things are seldom accomplished without the lavish expenditure of men and means. That remote inland settlements are difficult to establish, and more difficult to maintain; that the organization of an extensive system of missions must be the slow work of years, and not the accomplishment of a summer campaign; that the conversion of even the most tractable of Indians must be a mingling of force with persuasion; and finally, that the mission could thrive only when it existed side by side with the *presidio*,—these were the useful deductions from Fray Damian Manzanet's costly experi-

¹Bancroft, *North Mexican States and Texas*, I 405; Bonilla, *Breve Compendio*, Sec. 6.

menting. And there were other lessons of value. A more correct idea of the geography of Texas was obtained; the most important rivers were named and their courses determined; roads were marked out from Coahuila to the plains of southwest Texas along which Spanish civilization could advance more surely; and the bay of Espiritu Santo became an easy and familiar landing place for later expeditions. All these facts were worth something when the time came at length to undertake seriously the task of opening the lands beyond the Rio Grande for settlement. These early missionary efforts, then, are not to be considered unimportant. The little log church of San Francisco and its companion mission by the Neches, although ephemeral and productive of no immediate good, in the larger outlook were eminently worth while; for they served as an admonition and a warning when, twenty years later, the friars came again to stretch their line of larger and more substantial churches from the Rio Grande to the Sabine.

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¹See note below under *Rclation of Henri Joutel*.

²The *Ensayo Cronológico* is a valuable secondary authority to which I have not had access except for this translated fragment.

³This is not a contemporaneous narrative, but it is carefully compiled from the official documents in the *Archivo General of Mexico*. Bonilla gives but a meager account of the events with which this paper is concerned. A copy of the document belongs to the A. and M. College of Texas. It was at one time in the Ramirez collection and was purchased for the College by President Jno. G. James from Bernard Quaritch in 1881. Another copy is included in the *Documentos para la Historia Eclesiástica y Civil de la Provincia de Texas*, composing Volumes 27 and 28 of the *Memorias para la Historia de la América Septentrional* in the *Archivo General of Mexico*. These two volumes have been copied for the Texas State library and the library of the University of Texas.

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¹See note below under *Carta de Fray Francisco*. The letter of Manzanet is undated. It is the only contemporaneous narrative of the first two expeditions of Leon in 1686-87 and of the founding of Mission San Francisco de los Tejas. It also gives an account of Leon's third *entrada*. Bancroft and other historians do not seem to have been acquainted with this letter and do not mention the expeditions of 1686-87.

²This letter was written from Mission San Francisco de los Tejas at the suggestion of General Terán. In it Father Francisco relates the incidents of the year during which he had been in charge of the missions. He gives a full account of the customs, form of government, etc., of the several tribes included among the Tejas Indians. The document is valuable particularly for the light it throws on the significance of the name Tejas. The MS. was bought from Quaritch along with the *Carta* of Manzanet and the *Breve Compendio* of Bonilla. All of them came from the Ramirez collection.

³English translations of the memoirs of La Salle can be found in *Historical Collections of Louisiana*, Part I.

⁴This is General Leon's diary beginning March 23rd and ending May 13th the same year (1689). It seems to be a faithful and detailed account of the events of each day.

⁵This is a full and detailed account of General Terán's movements during the time indicated by the title,—his journey to Mission San Francisco; his return march to Espiritu Santo Bay; his expedition from Santa Margarita to the province of Nueva Montaña; his *Paso derrota, y Tanteo en la tierra que hice* * * * *al nuevo descubrimiento de la Naeion de los Cadodaekos*; and his final return to Santa Margarita and embarkation for Vera Cruz.

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Parceer del Padre Comº. Fr. Damian Masanet y demás Religiosos Misioneros, Julio 19 de 1691 as in Memorias para la Historia de la América septentrional XXVII 84 (a la vuelta)-87 (a la vuelta).

¹This diary was kept by Captain Martinez on his expedition from the Colorado River to Espiritu Santo Bay. He was sent by General Teran to meet the sea expedition.

²This deals with the expedition led by Teran in 1691 and was kept by Padre Manzanet. It gives a detailed account of the incidents of the journey, but it doesn't throw much light on the history of the mission.

³Pierre and Jean Talon were the sons of the Talon mentioned by Joutel as a member of La Salle's company. As will appear from the reading of this paper, they were found among the Indians by the Spanish. Aside from its tragic interest this document is of historical value. It tells of the fate of the colony at Fort St. Louis and of the expeditions of the Spanish.

⁴See note below under *Relation de Henri Joutel*.

⁵This is, of course, Margry's title for a group of documents. It is more convenient for purposes of reference to use his general designation than to enumerate the separate pieces under it.

⁶Under this suggestive title are published several letters.

Parkman, *La Salle and the Discovery of the Great West*.¹

Relation de Henri de Tonty, Margry, I 573-616.²

Rclation de Henri Joutel, Margry, III 91-534.³

Shea (John G.), *Expedition of Don Diego de Peñalosa*.

Villa-Señor y Sanchez (Joseph Antonio), *Theatro Americano*.⁴

Vues de La Salle sur les mines de la Nouvelle-Biscaye, après s'être établi soixante lieues au-dessus de l'embouchure de Mississippi (1684), Margry, II 359-373.

Ynstrucciones dadas por el Superior Gobierno, pa que se observen en la entra-⁵ de la Provincia de txas. Mexico y Encro 23 de 1661, in *Memo-rias para la Historia de la América septentrional*, XXVII.

Bancroft in his *North Mexican States and Texas*, Vol. I, cites many other valuable secondary authorities to which I have not had access, but as will appear from what has been given above most of the important contemporaneous narratives have been at my service.

¹The last two chapters give an account of the founding of Fort St. Louis and the fate of the colony.

²An English translation is in *Historical Collections of Louisiana*, Part I.

³Here Joutel's narrative appears in full for the first time. It is given in less complete form in Michel's abridgment and the English translation of the same, both of which have been included in this list of titles. The *Relation* in Margry covers nearly four hundred and fifty large pages, while the Michel abridgment and the English translation cover each less than two hundred much smaller. The Michel edition contains matter not found in the larger journal. The English translation seems to have appeared in Paris, as well as in London. See Winsor, *Narr. and Crit. Hist.*, IV 240. The journal as given in the *Historical Collections of Louisiana*, Part I, is simply a reprint of this translation.

⁴This gives but a meager account of the founding of the early missions in Texas and has been of little use in the preparation of this paper.

⁵Evidently meant for *entrada*.

FATHER EDMOND JOHN PETER SCHMITT.

I. J. COX.

The subject of this sketch, the Reverend Father Edmond John Peter Schmitt, the son of Peter and Magdalen (Mouth) Schmitt, was born at New Albany, Indiana, March the 16th, 1865, and died at San Antonio, Texas, May the 5th, 1901. In his comparatively short career of thirty-six years he has left a sufficiently strong impress upon the religious and intellectual life of his native State and of our own, to warrant a review of some of its leading features in the pages of *THE QUARTERLY*.

The events of his early life may briefly be summarized. At the age of five, he entered the parochial schools of his native town, where by his modest diligence, he soon became a favorite pupil. At fourteen, forced by pecuniary losses of his father to enter active business, he still continued his studies privately and began to collect a library. When he passed his eighteenth birthday, having assisted in relieving his father's financial embarrassments, he entered the college of St. Meinard to prepare himself for his chosen career, the priesthood. This latter step was not taken without strenuous opposition from his father, who feared the rigors of a devoted priest's life would prove too much for his delicate son. But the prattled desire of the boy of eight had strengthened into the firm purpose of serious youth, and that purpose was not to be gainsaid.

Such had been the careful self-instruction of the young student, and such was his industry that he was able to complete the regular five years' course in two, and at the close of this short period he found himself considering the special field for his life work. A short trial as a novice of the order of Benedictines, at St. Meinard, convinced him that his particular field should be the secular priesthood. He then entered the seminary of St. Meinard, and applied himself, with his usual diligence, to the regular course in philosophy and theology. During this period began his historical labors, of which the published results did not cease until death itself ended them.

Ordained in 1890 by the Bishop of Indianapolis, the Right Reverend F. S. Chatard, a week later he offered his first mass in the

church of St. Mary's at New Albany—the church in which he was baptized and in which, later, was sung his own last high mass. Shortly after, he was placed in charge of the parish of St. John, in Warrick county, Indiana, with several other small mission churches under his direct supervision. Then followed five years of active and energetic pastoral work, supplemented by a constantly increasing amount of literary production, generally of a historical character.

His increasing labors, especially in connection with the erection of a noble church edifice for his rural parish, proved too much for a physical constitution never any too strong for the tasks imposed upon it. In 1895, he suffered severe hemorrhages and came South to seek renewed health in Texas. After a few month's sojourn, the desire to be again at work drew him back to Indiana. He was given the chaplaincy of an orphanage. Soon his condition grew much worse, but rallying a little, he returned to Texas, where, in San Antonio, for five years longer he carried on with his grim enemy a losing but determined fight.

In such a life as his there was much that was inexpressibly sad, and yet, much that was charming, for his was an attractive personality. A loyal and devoted priest, he was no ascetic; a man of exact and mature scholarship, he was no mere cut-and-dried specialist. Passionately devoted to the ceremonies and observances of the Church he served, he never lost sight of human interest in narrow formalism. Loving historical research next to the services of his Church, he brought to this field of labor an accurate and discriminating scientific spirit, freshened by an intimate acquaintance with what most men designate as "hobbies." Although these latter always occupied a secondary position in his busy life, yet, in many cases, as in his collections of curios and coins, in his various scrap and stamp albums, etc., they were of themselves of great value.

Father Schmitt was a man of wide human sympathies. He delighted in social intercourse, in which his many-sided genius, supplemented by careful reading, had fitted him to take a prominent part. His musical and artistic tastes were apparent in many ways, aside from a special fondness for the liturgy of his Church. He was a charming conversationalist, and a ready debater as well, but he never allowed the latter quality to detract from the charming urbanity that his friends so prized in him.

Of what we may call his minor passions that of ransacking book stores and libraries was easily the chief. His knowledge of books bearing upon any ordinary historical subject was really remarkable. Doubtless, he never entered a library without leaving behind a suggestion that caused his visit to be remembered. He was especially interested in the acquisition by libraries of books that were "worth while," and in the diffusion of knowledge concerning them.

Father Schmitt was more than generous to a fault; with him, it was a failing. The worthy and unworthy were alike helped by him, lest, in refusing any, some needy one should suffer. It was no uncommon thing for him to give away "not merely his coat, but his cloak also," and his relatives or friends must rival him in generosity in order to prevent the entire depletion of the good father's wardrobe.

Toward his parents his love and loyalty were beautiful. To us who knew him in San Antonio his affection for his father and the latter's devotion to him were touching. At the close of his seminary course it became possible for him to go abroad for some years' study, either in the Tyrol, or at the Vatican in Rome. To a man of his historical tastes the opportunity seemed too good to be missed; but he chose to remain in this country, so as to be near his mother, then failing from the same disease that was later to attack him. Again, in 1895, he hastened from his pastoral duties to his dying mother's bedside, and very likely in the long watch beside her, contracted the germs of the fatal disease. His appreciation of family life was high, and nowhere better shown than in his tender filial devotion.

As a youth, Father Schmitt had been a frequent contributor to newspapers and periodicals. During his seminary course his efforts were turned into their life-long channel—the history of the pioneers of the Catholic faith in the United States. His first work of this character, published in Cincinnati, was *Losé Blätter aus der Geschichte der Deutschen St. Marien Gemeinde*, a history of German Catholic pioneer days in New Albany, Indiana, and vicinity. A little later there appeared from Vienna his *Bibliographia Benedictina*, a complete bibliography of that order in America. During his pastorate his attention was attracted to the early French mission of Vincennes, in his preparation of a life of Bishop Bruté, the first bishop of that section of our country. His work on this

biography was greatly interrupted, and he died leaving the volume still incomplete, but in such shape that another may easily finish it. He lived to see some results of his labor in this field, however, in the publication of the *Records of Vincennes*, in two installments, in the *Catholic Historical Magazine* for the present year. He also found time for occasional historical or religious contributions to periodicals, and for one or two evangelistic booklets. At this time he also assisted the Honorable W. H. English in the preparation of the latter's account of the life and campaigns of George Rogers Clarke. Thus he has aided materially in the important work of recording the history of the French and German pioneers of his native State.

In the midst of his busy life, he was suddenly called to another scene of labor. In a distant State and amid unfamiliar surroundings, his delicate health permitting no vigorous occupation, he found occasional opportunities for his chosen field of work, the history of his beloved church, from another point of view—the Spanish. The early work of the Franciscans in Texas aroused the same interest as that of the Benedictines or Jesuits in Indiana. The gloom of the daily struggle for life was lightened by the joy of assisting to exploit a virgin field of historical research. During the five years that preceded his death, he succeeded as no other student of our early history has done in making himself master of the enchanting details of the career of the Franciscans in Texas. When one considers the burden of ill-health under which he labored this statement is significant, and the amount of work turned out by him really marvelous.

His first article published in the *QUARTERLY* appeared in the number for October, 1897, and bore the title *Ven. Maria Jesus De Agreda: A Correction*. This was followed, in the number for January, 1898, by *Sieur Louis de Saint Denis*. Although contributing no more formal articles, his name frequently appeared in the magazine appended to some note or question. The most important of these appeared in the number for July, 1899, on *The Name Alamo*; his last in April, 1900, relating to the church of San Fernando. These contributions all show his careful and painstaking research, and his desire to assist the cause of exact scholarship. Father Schmitt was elected to a life membership in the Association a few months before his death.

His work for the *QUARTERLY* by no means exhausts his produc-

tions of this period. For the local chapter of the Daughters of the Republic he wrote *The Story of the Alamo*, a sketch of its history taken from records hitherto largely unused. The manuscript of this is now in possession of the organization, by whom it will shortly be published. A more ambitious work, *A Catalogue of Franciscan Missionaries in Texas (1528-1859)*, published in April last, is an indispensable aid to the student of Texas history. Although as yet necessarily incomplete, it must form the basis for any future research in that field. His most important work for this period, however, was his collection of notes and maps on the various Franciscan missions of Texas. He had made a thorough study of parish and mission records, as preserved by the church authorities in San Antonio, and from these had made copious notes. In addition, he prepared a series of maps locating the missions, with plans of them, so far as was possible, from descriptions or extant drawings. His health did not permit him to travel in order to verify in person his data; nor, for this reason, was he able to examine the material in the Bexar Archives bearing upon his subject. Had his life been spared a few years longer, doubtless he would have been able to bring out an authoritative work on the early Texas missions. His notes and maps are now in the possession of Father Zephyrin Engelhardt, O. F. M., an author of note on the early missions of the order, by whom they doubtless will be well used.

While engaged in his study of the mission records he was able to formulate a very complete list of the various Indian tribes of the Southwest, from which the missions were recruited. The value of this list has been duly acknowledged by the authorities of the Bureau of Ethnology at Washington. Another auxiliary work in which he had made an important beginning was the preparation of a more elaborate and complete bibliography of Texas than has yet been attempted. For this purpose he was using, as a foundation, the work of Judge C. W. Raines, and greatly expanding it in many particulars. During this period he was a frequent contributor to the periodical press of this vicinity. Another important work, posthumously published, *A Collation of Kingsborough's Antiquities of Mexico*, is, like most of those mentioned above, intended for the scholar rather than the general reader.

Thus did our worthy friend occupy himself during the declining years of his life. Shut in from the busy world in which he would

only too gladly have taken his place, snatching occasional moments of partial strength for some task to benefit pure scholarship rather than to minister to the delight of the public, he did faithfully what he could in giving his true measure of devotion to the cause he loved. It is only fitting that those who knew of what he accomplished and sympathized with his aims and struggles should render him a modest tribute of love and appreciation.

THE MEXICAN AND INDIAN RAID OF '78.

[The following is an exact copy of a pamphlet published at Corpus Christi shortly after the depredations of the Mexicans and Indians with which it deals occurred. It was kindly furnished by Mr. Leopold Morris, of Corpus Christi. The pamphlet was prepared with the purpose of representing to the State and United States authorities and to the country at large the existing condition of affairs on the Texas frontier, and with the hope that better protection might be secured for the future. It contains reports of the citizens' meetings held at the time, affidavits of eye witnesses of the atrocities incident to the raid, a graphic account of it based upon these depositions, and an impassioned, though dignified, appeal for protection. Copies of the pamphlet were ordered sent to the government officials and to the leading journals of the country. It is now exceedingly rare.—EDITOR QUARTERLY.]

ADDRESS

OF THE

Committee of the People to the Honorable Secretary
of State.

Hon. William M. Evarts,

Secretary of State of the United States,

Washington, D. C.

SIR: We, the citizens of a district of country between the Nueces River and the Rio Grande, in the State of Texas, one of the United States of America, through a committee duly selected and appointed by us, as hereinafter set forth by the proceedings of our meetings, consisting of the Hon. Joseph Fitzsimmons, county judge of Nueces county, chairman; Hon. John C. Russell, judge of the district court of the 25th Judicial District of the State of Texas; Hon. John M. Moore, mayor of the city of Corpus Christi; Capt. John J. Dix, and Capt. H. W. Berry, members, together with Wm. H. Maltby, secretary, and Edward Buckley, Esq.; Col. Nelson Plato and Wm. Headen as corresponding secretaries—selected with a view to the commendatory character of their official stations—beg to address you as the Chief of State of this great nation—a Statesman in whom we have confidence—and through you to speak

to His Excellency the President, to Congress, and through all to appeal to the warm and sympathetic hearts of our countrymen.

We are a peaceful, law-abiding and industrious people. We have come hither from the West, East, North and South to occupy this wilderness of verdure. We peacefully follow our flocks and herds which roam over the wide-spreading savannas, through the lovely valleys, across the hills, or scatter far over the great expanses of our grander prairies.

Our homes are far apart. Ten and twenty and fifty miles often intervene between our houses. Again, where streams flow or where permanent water is abundant, the ranchos or dwellings are nearer, but seldom, indeed, in sight.

We have been greatly exposed. We have overcome many difficulties. We have prospered. We hoped to give advantages to our children that have been denied to ourselves. We had in view that they should become more useful in society, more honorable and distinguished in our country, and prove our support and crown of rejoicing in our old age.

The acmes of our expectations often have almost been reached, and then the labors of years have been swept from us as with a fury of a hurricane, and many precious lives ruthlessly sacrificed to sate the hate of the remorseless Mexican bandit, as well as to gratify his hellish greed and that of his allies, the Indian brutes whom he gives a shelter and a home in the mountain fastnesses near Santa Rosa, in the State of Cohahuila, Republic of Mexico, from whence, jointly—the Indian and Mexican murderers—make rapid, and owing to intervals determined by malicious and malignant judiciousness, often unexpected raids upon our widely separated homes. They scatter our sheep far and wide, leaving them for weeks a prey to wild beasts because their shepherds have been driven off or killed. They destroy our sheep camps. They plunder our houses. They drive off our horses; yet these all might be endured until eventually overcome, were it not for the more fearful horrors which attend them. They kill and then horribly mutilate all whom they encounter, old and young, men and women and prattling children and smiling babes. Our houses are filled with sorrow, and our hearts with gloom; our hopes, so fondly cherished are blasted forever, and life's anticipations are shrouded in the darkest night.

Without adequate proofs it would be deemed incredible that such incursions—without provocation—could occur; that such incarnate

fiends could be nursed and fondled and protected by a neighboring Republic at peace with us; that such raids have been made and none of the human blood-hounds brought to justice, nor the country to which they fled for shelter made to give them up.

Yet, sir, these are facts. Such incursions have and do occur, and without provocation. These fiends, to say: Kickapoo, Lipan and Seminole Indians joined with Mexican thieves and cut-throats—doubtless at times instigated by the prospective petty chiefs, who require horses for another revolution that it is expected will elevate them to authority—aided, too, by some white outlaws, are to-day to be found in the vicinity of Santa Rosa, Republic of Mexico, protected, fondled and nursed by the Mexican government. The lower strata of the Mexican commonality who never have been satisfied since the revolt of Texas and its annexation to the United States, gloat over the fact and roll it as a sweet morsel under tongues, that these vandals compose the besom of destruction which sweeps ever and anon, the Texas frontier and desolates the homes of the hated "Americanos." It has never occurred that by due process of law any of these marauding villains have been brought to justice. Mexico has never had any of them arrested; has never taken steps to give them up.

We make these statements, sir, of facts to you, to the President, to Congress and to the country. We ask: "Shall such fearful outrages be tolerated?" Nay, more, we herewith present to you the history of a recent raid made during the full moon of April last. It is succinctly compiled from affidavits of eye-witnesses, and the raid from the beginning to the ending is portrayed—*seriatim*—by these sworn statements duly authenticated before lawful officers of the Government under their seals. Of necessity the testimony is *ex parte*, yet we feel, under the circumstances, on this account it will lose none of its weight with you, with the President, with Congress or with the country.

We call upon you, therefore, as a statesman of a great and just nation, to avenge our dead, to punish the criminals and insure our protection in the future. We know there are malcontents who seek to stir up strife. We are not of these. Were we such, our bitter burning wrongs are sufficient to drive us to desperation now. We know, too, that florid language and intense expression are used for political purposes and partisan ends, but we can not emphasize our language or intensify our expressions with the force they require.

Horresco Referens may be joined to every sentence and spread as a pall upon the whole. Our cry is for justice. Mexico should make atonement and her savages should be expelled.

Actuated, sir, by the grievousness of our sufferings, we have gone deliberately to work at this matter. We have gathered sufficient evidence to establish our statements and to support and commend our appeal. We submit all herewith, inclusive of the original documents, which we deem best to lodge with the Department of State for use and reference. The simple tale of each affidavit rivets the truth of the fearful narrative and forces a just conviction. These are furthermore corroborated and confirmed by the official reports of the Commanders of the Military Posts, doubtless, of this district of country. These, we know are at your command through the proper channel of the War Department or through the esteemed Military Chief Commander of Texas, Gen. Ord.

To the history of the raid we have deemed it advisable to add a list of the killed and wounded and a map¹ of the country traversed. The whole is anxiously, and with great confidence, entrusted to your care. We rely upon your integrity, position and ability. We have faith that our appeal to the President and to Congress will be heard. We confide in the warm hearts of our countrymen, believing that our cry shall not come before them in vain, and that you, as their honored Chief of State, will redress our grievous wrongs.

We are, sir, with expressions and feelings of high esteem and regard, most respectfully your obedient servants,

(Signed:)

JOSEPH FITZSIMMONS,

County Judge Nueces Co., Tex., Chairman.

JOHN C. RUSSELL,

Judge 25th Judicial District.

JOHN M. MOORE,

Mayor City of Corpus Christi, Texas.

H. W. BERRY,

Ex-Sheriff Nueces County, Texas.

JOHN J. DIX,

County Surveyor Duval County, Texas.

WM. H. MALTBY, Secretary.

EDWARD BUCKLEY, }
NELSON PLATO, } Corresponding Secretaries.
WILLIAM HEADEN, }

¹No map accompanied the copy of the pamphlet from which this document is printed.—EDITOR QUARTERLY.

THE RAID.

On Sunday, the 14th day of April, 1878, three days ere the moon had reached the full, a band of Mexicans, Indians and—from the testimony—a white man or two, crossed the Rio Grande from the State of Coahuila, in Mexico, and invaded Webb County, in the State of Texas—according to the testimony of Mr. Peter Steffian—at a crossing of the Rio Grande, near the foot of "Apache Hill," about forty-five miles north of the City of Laredo and the Government Post, Fort McIntosh.

These invaders, according to the affidavit of Capt. E. N. Gray, of Concepcion, Duval County, Texas, are declared to be Kickapoo, Lipan and Seminole Indians, Mexicans and a white man. Their objects were murder and plunder. This declaration is supported by others in the accompanying sworn statements hereto appended.

Their first acts were the killing of two "vacqueros" (cow herders), in the employment of two well-known residents of Webb County, to say: Prospero Guerra, and Justo Guerra. This killing was done in the vicinity of "Apache Hill," on the day of their entrance, to say: April 14th, 1878.

From this point they took the main road which meanders down the Rio Grande, following its curves and bends, in the direction of Laredo—southeast—and about dusk on the same day they killed Jorge Garcia, within hearing of his wife and friends, at his own rancho, about forty-five miles northwest of Laredo. His wounds were two rifle-ball shots and stabs of a lance. An arrow was found near by him. His "chivarras," i. e., goat-skin leggins, his horse, saddle, etc., were stolen, and also his drove of gentle saddle-horses, fastened near, were seized and driven off. His cry: "No mi matan!" i. e., "Don't kill me!" was wasted on the air. None, if the savages could prevent, should live to tell of their presence in the country. They resumed their course down the Rio Grande until within fourteen miles of Laredo. Deeming this too dangerously near to the Government Post, Fort McIntosh, they changed their route, making an acute angle, and moved north-eastward towards the Nueces River, passing by the ranchos, i. e., dwellings and circumjacent lands, in the vicinity of Dr. Henry Spohn's where they stole a sufficiency of horses to mount all their party.

Here, it appears from the testimony of Dr. Henry Spohn, began the rapid subdivision and the quick concentrations of this corps,

trained from youth to skillful manoeuvring as the *sine qua non* of a predatory party. Simultaneously, and as if endued with ubiquity, they appeared at almost all the ranchos in this vicinity. They selected the best horses and were then prepared for the raid. Their organization was perfect. They divided into minor parties and devastated in a wide sweep and again reunited at a signal, or by agreement, for consultation or defense. Hence, the accounts of those who saw the raiders at different localities conflict as to the number of the marauders. At this time they were near the Rancho de los Machos, in Webb County, and were estimated to be from thirty to forty strong. At this locality they wounded Tomas Solis with two pistol balls and an arrow. Dr. Spohn attended him and sent a small party to watch the raiders. This party followed them to Ft. Ewell, in La Salle County, formerly a Government Post, on the Nueces River.

Since leaving the Rio Grande, this predatory corps of cut-throats had traveled sixty miles in an air line. The verdure of the Spring had clothed the earth with grass; shrubs, bushes, and trees were dressed in foliage; the water ponds were filled; the people, in the main, were busy shearing their flocks. The time was demoniacally selected as propitious for such fell work. Few were abroad to note the progress of these raiders. The grass gave them abundant provender, and water, lately fallen, refreshed them everywhere. During the day the fruitful umbrage of the newly leaved trees screened them from observation, and the growing moon lighted their way by night. The party sent out by Dr. Spohn feared to make an attack and only gave the news of their departure to Ft. Ewell. The marauders then roamed over the country at will.

From Ft. Ewell they followed the sharp bend which the Nueces River makes towards the east, in La Salle County, and then turns to the northward in McMullen County, and on the 17th of April at nine A. M., reached Wm. H. Steele's rancho—Palo Alto, i. e., High Tree—having traveled a distance of fifteen miles from Fort Ewell. From the testimony of Steele, Hart, Moore and Mrs. W. H. Steele—at that time Mrs. Taylor—we gather the facts of their operations. It is noted that they had a large drove of horses. These they gathered on the 15th and 16th, in Webb and La Salle counties, since leaving the Rio Grande. In addition to bows and arrows it was found that they were well armed with rifles and pistols—doubtless, in the main, stolen from men whom they murdered

en route, though it is clear they brought some arms into the country with them.

The entire band seems to have converged at this place. It has long been one of the chief objective points for the concentration of Indians when on frontier raids. Their exits are made, generally, from this vicinity, whether they take an upper or a lower line of departure. There should be—and this is the voice of all all our people—a Post here and a company of cavalry ready for instant service.

Here, again, they were counted, and numbered about forty men. They were fiendishly exultant, and unrepressed in their demonstrations of hellish joy. At Steele's rancho they held high carnival. They killed John Steele, a devoutly pious man, who deemed it wrong to carry arms. Mrs. Steele's two children, named Richard and George Taylor, and aged, respectively, eight and twelve years, were at first supposed to have been captured and carried off, but ere long were found murdered and their forms horribly mangled and mutilated with knives. Here, too, they killed Martin Martinez and Florentine Leo, and dangerously wounded Venturo Rodriguez with a rifle ball and eight arrows. In the midst of this, for their savage delectation, they stripped two Mexicans naked and compelled them to run foot races before them. Meantime Mrs. Taylor, with wonderful coolness and motherly affection, waded across the river and escaped with her children.

They were determined, by those who saw them here, to be Mexicans and Indians on a plundering expedition, murdering and stealing horses, arms, money, clothes, camp equipage, blankets, etc., from all the ranchos contiguous to this point.

The intensely interesting statement of Mr. E. C. Moore gives an unvarnished account of the cruel hatred of the savages, the fiendishness of a white leader, the gallant defence and heroic death of Mr. Moore's companion and his own miraculous escape. The boys, cousins, having quietly resumed their journey, saw in the distance a cloud of dust which they judged to be raised by a whirlwind, but it was, in reality, a cloud of dust raised by a vast drove of horses which they had no suspicion was driven by Indians and their Mexican confederates. They met the vanguard of the party and, though not without apprehension as to who they were, yet, deemed them cow drivers. They fought retreating and one fell. He was the hope of a fond father. The affections of loving sisters centered in

him. Alas! he left them in the wilds of San Ygnacio, on the edge of the Nueces Valley, only a grave, and the rude inscription of his untimely death.

From Ft. Ewell the main course of the raiders was about south-east, and continued in that direction to the Toribio Rancho, about four miles beyond Brown's rancho, thirty-six miles from Ft. Ewell, in Duval County, not far from the line of McMullen, and about twelve miles from the Nueces River. In this vicinity they killed Vicente Robeldo, the chief shepherd of T. W. Gillette, and they stole or destroyed everything. One witness says that he lost four hundred dollars' worth from his camp alone. They wounded, and supposed they had killed, Tomas Tunega. Here they changed their course, and came to the Rancho Solidad, in Duval County, about noon on the 18th. At this point they were but thirty miles from San Diego, in Nueces County, at which town a company of U. S. cavalry had arrived.

At the Rancho Solidad they killed Guadalupe Basan, and gathered all the horse stock in the neighborhood. Soon afterwards they killed a shepherd and his wife. Their deaths are clearly reported by a little child. Their bodies were tied together, dead, and swung upon a horse, and which was turned loose. Their bodies have not yet been found. Subsequently they attacked Capt. Richard Jordan's rancho, called Charco Escondido, i. e., hidden pond, and at five o'clock in the evening they killed his son, John Jordan, an excellent and exceedingly promising young man, just coming of age. But a short time previously he had written to his fond mother and sister that "if God spared his life he would visit them soon." He, however, lived not to return, but, with his friend, Antonio Valdez, fell and died on his father's place. He is not, for life's cord was rudely snapped; but he sleeps the sleep of the good and the just.

Mr. Frank Gravis resides in this vicinity. He was notified by his neighbors, and with great promptitude, busily moved here and there to assist to spread the alarm and to gather a party to follow the raiders. From the Muñoz Rancho, at the request of Capt. Jordan, about sunset, he sent a courier to the commanding officer of the U. S. troops at San Diego, through Judge James O. Luby, the County Judge. With his small party, on the night of the 18th, he slept upon the trail, near Charco Escondido. The Mexicans and Indians lay close to him. From this point, early in the morning,

he sent a second dispatch to the commanding officer at San Diego, stating which way the trail had gone. He took it at daylight, following with the jaded horses of the evening previous, which had served to bring his party together. The raiders met Margarito Rodriguez about ten miles west of Charco Escondido, and mortally wounded him. From him Gravis learned that a white man lead the party, but whether an American or a Mexican he could not tell. This was early on the morning of the 19th, and in Encinal County. The Indians drove a large herd of horses before them.

From Fort Ewell it was noted that they had their advance, center and rear guard. Many were identified as Kickapoo Indians. Again they divided into minor parties. One of these stopped a cart, destroyed its contents and stripped its drivers—two boys—naked. This party, immediately after, attacked a wagon train, and, though reinforced by another, were driven off after killing a mule. Near here they shot and killed a shepherd and cast his body upon the live coals of his camp fire. Mr. Gravis hotly continued the pursuit, and from about that point sent a courier to the commanding officer of the U. S. troops at Fort McIntosh, Laredo. The raiders, in small parties, now swept across the country and carried off all the desirable horses in their way.

On the evening of the 19th, Mr. Gravis overtook the main body—again concentrated—as they converged together upon entering Webb County to cross the Rio Grande, distant then, about eighteen miles. They had been in the country six days. Once had they been within fourteen miles of Fort McIntosh; again they approached within twenty miles of it. They had passed with thirty miles of the U. S. cavalry at San Diego, and at no time during these six days had they been over sixty miles from a U. S. Government Post. Yet such is the extended character and sparsely settled condition of this district that such occurrences do take place and escape the notice of the military.

Gravis charged gallantly. The prompt and daring reception which the Indians gave him frightened his Mexican allies and they retired. He continued the skirmish, but a reinforcement to the raiders compelled him to withdraw to the timber to prevent being surrounded and cut off. The raiders did not continue to follow, but pressed in hot haste to the Rio Grande, and strewed their trail with the clothing previously plundered on the route.

Gravis had a wonderful race. More than a hundred miles had he

ridden since he began to summon his party, twenty-four hours before. Such races are run and many heroic deeds performed by little parties such as his, and not much notice is taken of them.

He waited patiently next day for assistance from Laredo. Some of his men reviewed the locality of the skirmish, and found several of the Indians' horses dead. Mr. Gravis saw the "cavallada," i. e., drove of horses, and judged it to number from one hundred and fifty to two hundred head. These were the choice horses of the country, for the weak and worthless fell by the way. During his return, on the 20th, he heard from parties from the neighboring ranchos, who joined him on the trail, of many whom the raiders killed, but he has not mentioned their names.

The whole party, in tact, it seems, crossed the Rio Grande on the night of the 19th of April, twenty-five miles south of Laredo, in Webb County, at the Rancho Dolores, not far from the Zapata County line. They improvised rafts of a dry wood called "tarraí," on which to float over their plunder, yet left provisions, clothing and moccasins on the river's bank. Here it appears from Mr. Blücher's affidavit, they were again counted and numbered forty men. They were well armed with Spencer and Remington rifles, and their drove of extra horses certainly numbered one hundred head.

Though Mr. Gravis' courier was sent to Laredo on the 19th, no movement took place from that point until four P. M., on the 20th. Such is the want of preparation, of instant readiness, which is absolutely necessary in this country for the defense of the people.

This is but a brief *résumé* of the evidence, coupled with some other known facts, and reduced to a crude narrative. The force and pith of the matter are found in, and touchingly stated by, the respective affidavits, and to these, in conclusion, we now refer.

THE KILLED.

2. Two vacqueros in the employ of Justo Guerra and Prospero Guerra, at "Apache Hill," Webb County, on April 14th, 1878.
3. Jorge Garcia, near his rancho, Webb County, at dusk, April 14th 1878.
4. A Shepherd of Don Jesús Ramirez, at the Rancho Cerrito Prieto, Webb County, April 15th, 1878.
5. John Steele, at the Rancho Palo Alto, La Salle County, nine A. M., April 17th, 1878.

6. Richard Taylor, aged twelve years, at the Rancho Palo Alto, La Salle County, nine A. M., April 17th, 1878.

7. George Taylor, aged eight years, at the Rancho Palo Alto, La Salle County, nine A. M., April 17th, 1878.

8. Martin Martinez, at the Rancho Palo Alto, La Salle County, nine A. M., April 17th, 1878.

9. Florenzo Leo, at the Rancho Palo Alto, La Salle County, nine A. M., April 17th, 1878.

10. Frederick B. Moore, San Ygnacio, McMullen County, near the line of Duval, three P. M., April 17th, 1878.

11. Vicente Robeldo, Gillette's head shepherd, near Brown's rancho, Duval County, four P. M., April 17th, 1878.

12. Guadalupe Basan, Rancho Solidad, Duval County, twelve M., April 18th, 1878.

14. A Mexican shepherd and his wife, shot, tied together and thrown across a horse, near the Solidad Rancho, Duval County, afternoon, April 18th, 1878.

15. John Jordan, Charco Escondido, Duval County, five P. M., April 18th, 1878.

16. Antonio Valdez, Charco Escondido, Duval County, five P. M., April 18th, 1878.

17. Margarito Rodriguez, ten miles west of Charco Escondido, Encinal County, six A. M., April 19th, 1878.

18. José Ma. Canales, at Quijotes Gordos, twelve M., April 19th, 1878. They threw his body upon his camp fire and his lower extremities were consumed.

Others killed in the "range," reported by W. H. Steele.

Others killed, of whom J. W. Hart "had heard."

Others killed, of whom F. Gravis makes mention on his return.

THE WOUNDED.

Tomas Solis, who was attended by Dr. Henry Spohn.

Venturo Rodriguez, at the Rancho Palo Alto.

Tomas Zunega, at Brown's rancho, Duval and McMullen Counties.

Two wounded men met by F. Gravis, April 21st.

AFFIDAVITS.

BY PETER STEFFIAN.

The State of Texas, County of Nueces.

Before me, Joseph Fitzsimmons, Judge of the County Court in and for said Nueces County, personally appeared Peter Steffian, a resident of the town of Laredo, in Webb County, but now in Corpus Christi, temporarily, on business—who, being duly sworn according to law, deposes and says as follows:

My name is Peter Steffian, forty years of age, was a resident of Nueces County from the year 1853 up to the year 1866, when I removed to the town of Laredo, Webb County, where I am engaged in business as dry goods and general merchant up to the present time. Am now in Corpus Christi on business for my mercantile house in Laredo, where I reside. Am also engaged in the business as a sheep raiser, and have a sheep rancho in the vicinity.

On the 14th day of last April, 1878, I was returning from my sheep camp, situated about sixty miles above or north of Laredo, on the Rio Grande, (where, for several days previously had been engaged superintending my sheep shearers), and when arrived at the rancho of Jorge Garcia, about fifteen miles below or south of my camp, about dusk, called at his house to employ his ox-carts to haul my wool to Laredo. After speaking to said Garcia, he mounted his horse and proceeded to a hill in the vicinity, not over three hundred yards distant, to look for his oxen. While waiting at his house for him to return, a few minutes later, I heard a rifle-shot in the direction where Garcia was, and immediately after heard him exclaim, in Spanish: "No mi matan!" i. e., "Don't kill me!" Another rifle-shot was then fired in the same place, and no more exclamation from said Garcia, who was, as I supposed, killed. Called to his family and friends, in and about his house, and informed them of my fears, when a small party of men armed, and we proceeded to search for said Garcia. It was now after sundown—starlight—and with the party of four or five men, proceeded to the hill where he went to look for his oxen, found his body lying on the ground quite dead, his pistol and belt taken off and pockets of his pants turned inside out; his "chevarros" also taken, and horse, saddle, and bridle. On examining the body

there were two rifle-balls shot through it, one from behind and the other from the side; also three stabs of a lance or other sharp weapon, in the breasts. I then returned to his house with the party and informed his wife of the murder. We remained there all night, expecting the rancho would be attacked; but at daylight the next morning, the 15th inst., again proceeded to the place where the body lay, and closely examined the ground all around the body, where we found an Indian arrow close beside it. After burying the body of said Jorge Garcia our party rode round in a circle about five miles to ascertain, if possible, who the party were who murdered Garcia, and what other depredations they had committed. We discovered the trail of the party crossing the road I had traveled the day previous with my buggy, when it appeared they had followed down the road after me, about ten or twelve miles, to where I turned off to the house of Jorge Garcia, whom they killed as stated. There appeared, from the signs, to be about fifteen men, afoot, by their moccasin tracks, and five mounted men, and concluded they were a party of Kickapoos on a raid. On counting the horse stock of Garcia, deceased, we discovered that ten of the best saddle-horses had been taken off. Some of these had been staked with ropes, and others hobbled near the house the evening before. About a league further down the river we examined the "cavallados" of horses belonging to the ranchos in the vicinity, and found several mares and colts and young horses killed by arrows. We drew out several, and after examination, concluded the arrows were those used by the Kickapoo Indians.

Jesus Garcia, a brother of the murdered man, now came with two men from my rancho, fifteen miles above, on the Rio Grande, and stated to us that the same party who had killed his brother the day previous had crossed from Mexico to this side about five miles below my sheep rancho at a place on the river in front of a hill known as the "Apache"—a well known and regular crossing place, used by the Indians coming from Mexico into Texas—where they killed two men, ("vacqueros"), in the employ of Justo Guerra and Prospero Guerra, brothers, who own ranchos in the vicinity, and proceeded down the river along the road, on my buggy trail, to where they found and murdered Jorge Garcia, and continued their raid along down the river, stealing and killing horses or any persons they met on their route. When they arrived at a point about fourteen miles above or north of Laredo, they changed their course

and moved eastwards towards the Nueces River, where, as I am informed and believe, they committed several other murders and robberies of horses in that vicinity.

PETER STEFFIAN.

Sworn to and subscribed before me, at Office, in Corpus Christi, this 24th day of May, A. D., 1878.

JOSEPH FITZSIMMONS,
County Judge, Nueces County.

(Attest:) REUBEN HOLBIN,
County Clerk, Nueces County,
By PATRICK McDONOUGH, Deputy.

BY DR. HENRY SPOHN.

United States of America, State of Texas, County of Nueces.

Before me, Joseph Fitzsimmons, a Commissioner appointed by the United States Circuit Court for the Eastern District of Texas, resident in the City of Corpus Christi, in said District, personally appeared Henry Spohn, a witness of lawful age, who being first duly sworn, deposes and says:

My name is Henry Spohn, and I reside in the town of Laredo, Webb County, Texas, by profession a Physician, also owner of a sheep rancho situated about forty-five miles north-east of Laredo. On the 16th day of April last, 1878, I was engaged superintending the sheep-shearers at my rancho. About three o'clock P. M., a man named Felipe Villereal, living in the vicinity, came to my rancho, asked for a man and horse to go out with his man, or "vacquero," to see if it was Indians or Mexican raiders who were running his horses in the vicinity. I informed him my horses were at the other end of the rancho, about twelve miles distant. I sent two men, employes, mounted to drive up my horses, ("cavallada.") I also dispatched a party of six armed men, mounted, to see and ascertain who these parties were that were reported to be gathering or driving the horses. In about two hours the party returned and reported to me that the raiders were composed of Indians and Mexicans. A man came from an adjoining rancho and stated that a man was lying at his house who was badly wounded by these Indians or raiders. I proceeded forthwith, to the house and found a man lying in his house, wounded with two pistol-balls through his body and an arrow wound through his abdomen. I dressed his

wounds and extracted a pistol-ball from his breast. I then questioned him as to whom they were that wounded him thus. He replied that they were Mexicans who spoke good Spanish, and he thought, also, some Indians. The man who shot him demanded the socks he wore, and he refused to give them, they ordered him to run to his rancho, and immediately fired their pistols at him wounding him as stated. After falling on the ground he heard them say, in Spanish, "That will finish him." He having fainted, when he awoke from his faint he found an arrow sticking his abdomen, which he broke off and extracted. He saw but six in that party, between twelve and one o'clock in the day.

I then returned to my rancho, about six o'clock, p. m. The six men I had sent out in the forenoon returned and reported to me that the party was composed of Indians and Mexicans, and had stolen all the horses of the adjoining ranchos. I then raised a party of twelve or fifteen men, and started them on the trail, to ascertain where the Indians had gone. They followed the trail until late at night and lost it in the dark. I sent out another party of my men in the morning, who found where the raiders had encamped and killed a beef the evening before. This party of men followed the trail to Fort Ewell, on the Nueces River, and found the Indians or raiders had gone down the country from there, and not finding any assistance, this party then gave up the pursuit and returned to my rancho. From all the reliable information I could glean from parties who met them and had escaped, there were about thirty or forty in the party of raiders or Indians who committed these depredations who came from Mexico, crossing the Rio Grande about thirty or forty miles above Laredo, and recrossing below Laredo about fifteen or twenty miles.

HENRY SPOHN, M. D.

The above and foregoing depositions were read over by deponent, who signed and swore to the truth of the same before me, at Corpus Christi, this 25th day of May, 1878.

(Attest:)

JOSEPH FITZSIMMONS,
U. S. Commissioner.

BY E. N. GRAY.

The State of Texas, County of Duval.

Before me, the undersigned authority, personally appeared E. N. Gray, who is to me well known, who being duly sworn, states

that the answers to the following questions are true, to the best of his knowledge:

Who instigated the raid? Mexicans and Indians from Mexico.

What was the object of it? Murder and plunder.

Who were the raiders? Mexicans and Indians.

Where do they come from; that is, where is their home? Mexico.

Were there any Indians, and of what tribe? About thirty—Kickapoos, Lipans and Seminoles.

Were there any Mexicans, and if so, were they citizens of the United States? Yes. I believe they were citizens of the Republic of Mexico, as they came from there.

Were there any Americans of the party? I believe not, but one very white man was reported with the raiders.

Where did they cross the Rio Grande on coming into Texas? About eighteen miles above Laredo.

Whom to your knowledge did they kill; the name, the date, the locality, county and State should be given carefully? Mr. Steele and two sons of Mrs. Taylor, and a Mexican at Steele's rancho, McMullen County, Texas; Mr. Moore and a Mexican, on the road between Steele's and Brown's ranchos, in Duval county, Texas; a Mexican at the Government Wells, Duval County, Texas; Guadalupe Basan, at San Solidad, Duval County, Texas; John Jordan and a Mexican servant, at Charco Largo, in Duval County, Texas; and close to the Laredo road they killed a Mexican and his wife, in Duval County, Tex.

What property was destroyed? A great deal of horse stock driven off by the Indians, and a great many flocks of sheep were abandoned by the killing of the shepherds, or of their being frightened off from fear of the Indians killing them, which caused great losses in the flock of sheep through the raided country.

When, where and of what value? At the time of the raid, and all around the country in the vicinity of the route of the raiders. The value can not be ascertained at present, as it will require an investigation to find it out correctly.

On returning to Mexico were they protected, were they molested; what was done, if any thing? They were not molested on their return to Mexico, by the Mexican troops or officials, but went to their homes undisturbed, in the mountains of the State of Coahuila, or Nuevo Leon.

Please add such other information as may be in your possession?

Mexicans from Ballesio, in Mexico told me that the same party of Indians passed, the day before they left Ballesio, about six miles above the town, and that they heard that there was a party in pursuit of them from Guerrero, but did not know if they were troops or citizens in pursuit of them.

E. N. GRAY.

Sworn to and subscribed before me at my office in Concepcion, Duval County, State of Texas, this 20th day of May, 1878.

JOHN VINING,
Notary Public, Duval County, Texas.

BY WILLIAM H. STEELE.

United States of America. Eastern District of Texas, State of Texas, County of Nueces.

Before me, the undersigned, a Commissioner of the Circuit Court of the United States for said District, resident in the City of Corpus Christi, personally appeared W. H. Steele, a witness of sound mind and lawful age—thirty-six—who, being first duly sworn, deposes and says:

I reside in La Salle County, where my sheep rancho is situated. For the past four years I have resided in the same locality, which is fifteen miles east of Fort Ewell, on the Nueces River. I was assisted in the care of my flocks and management of the rancho by my brother, John Steele. On the 17th of April last, 1878, I returned to my rancho from a visit to a neighboring rancho, and at one o'clock P. M., arrived at the Nueces River, near my residence, where I met a Mexican "vaquero" coming to meet me, crying out in excited manner: "*Los Indios—mala suerte!*" and informing me that a large party of Indians had passed through the "range" and killed all the people they met in their route, and among the rest, my brother John, who was in charge of my sheep and rancho; also two boys, aged, respectively, twelve and eight years, named George and Richard Taylor, and also two Mexican shepherds, named Martinas and Florenzo Leo, and, arriving at my house, I found a shepherd named Ventura Rodriguez who was apparently wounded mortally, having eight arrow wounds and a rifle-ball wound, all in the body, arm and shoulder. This man informed me that he believed the party to be composed of Mexicans and Indians. Two of the party of raiders rode up to him on the prairie and asked, in good Spanish, if he knew where there

was plenty of horses, and also if he had any money. They then took his hat, horse, and saddle, shooting arrows into him the while, and also a Winchester rifle-ball, when he fell to the ground severely wounded, where they left him for dead. This man has since recovered from these wounds. Another shepherd whom this party of raiders captured and stripped, about five miles above my rancho, on the Nueces River, reported that they compelled himself and another man to strip themselves and run foot-races for the amusement of their party, and told them that they were only going to kill "Americanos," and that they, the Mexicans need not be afraid. This party of raiders were driving a lot of horses, about forty head, which they took from the prairie in our vicinity—all saddle-horses. These shepherds state that the party were Mexicans and Indians, and on the route towards Laredo they killed several Mexican shepherds and several Americans. By general report there was about forty men in the party, well mounted and armed with bows and arrows and also rifles. This is all that I could ascertain about the movements of this party of raiders, as I had to attend to the burial of my brother, John Steele, and the two boys and the Mexican shepherds. The other persons living in the vicinity of my rancho were all absent. My flocks were all scattered and I lost about three hundred head of sheep by the raid.

W. HUTTON STEELE.

Sworn to and subscribed before me, at Office, in Corpus Christi, this 31st day of May, A. D., 1878.

JOSEPH FITZSIMMONS,
U. S. Commissioner.

BY MRS. W. H. STEELE.

On the morning of April 17th, I was living on a rancho called the Palo Alto, located on the Nueces River, about fifteen miles below Fort Ewell, in La Salle County, and for some reason which I can not explain, I felt very much depressed and troubled in my mind. Mr. Steele had gone to Dogtown, and there was no one left on the rancho but Mr. John Steele and my children.

About nine o'clock I went up on top of the house, and I saw two men running, about two miles off, on the high open country; they were on horse-back and seemed to be running something like a man on foot. A few minutes later two other horsemen appeared, coming

in the direction of the house, but stopped and stood still about half a mile from the house. Mr. John Steele had left the house a little before I went up on the roof, and at this moment came in sight, out of the brush, very near the last two men who came in sight. Also, at this moment, I saw three men more come in sight, and they got between John and the house, one of the three men after John, driving him before them away from the rancho. Directly I saw the man fire one shot, and John fell from his horse. The two men spoken of as standing still did not move all this time; they had no hats on, and looked larger and blacker, and the two to the right rode off in the direction of my children, (boys—one aged eight and the other twelve years), who were herding sheep at this time, and one of them fired one shot before they went out of sight.

I then came down from the house and took my three remaining children, the youngest about nine months old, put them on the branch of a tree, and wading myself in water up to my arms, pushed them ahead of me across the river. I hid in the tall grass and remained in this condition about three hours; I then returned back to the house, being led to do so on hearing the voice of a man calling for Mr. Steele, which proved to be a Mexican "vacquero" who was working for a neighbor. On reaching the house I found one of our Mexican shepherds lying on the ground, wounded in eight different places, all made with arrows but one, which was a gun-shot wound. There was, also, a white shepherd lying in the house, who had been run by the Indians a long distance and was nearly exhausted. Mr. Steele returned about two o'clock in the afternoon, in company with Mr. Hart, and at once commenced a search for the body of Mr. John Steele, whom they found about a half a mile from the house. He had two gun-shot wounds through the body. All search failed to find my children that day.

I saw eight men in all. Those who were nearest to me looked like Mexicans, and they rode like Mexicans, and I feel sure they were Mexicans. Those who were the greatest distance from me looked more like Indians. Some of them had no hats and seemed to ride differently.

The two who remained quiet all the time, and who were evidently watching the San Diego road, had large horses and were large men. The other men seemed to be riding small horses.

The bodies of my two boys were found late in the afternoon of Friday, the 19th.

Mr. John Steele had strong convictions against carrying arms of any kind; and had none with him when killed.

JANE STEELE.

The State of Texas, County of Duval.

Before me, J. A. Mattason, Justice of the Peace, and *ex-officio* Notary Public, in and for said County and State, duly qualified and commissioned in terms of the law, personally appeared Mrs. Jane Steele, who is well known to me, who acknowledged her signature to the foregoing attached affidavit, dated June 8th, 1878, and the said Jane Steele declared to me she had signed the same for all the purposes and considerations therein stated; in testimony whereof I have hereunto set my hand and seal of Office, in San Diego, in Duval County, this, the 8th day of June, 1878.

J. A. MATTASON,

J. P. and *ex-officio* Notary Public, Duval County, Tex.

BY JAMES F. MOUNT.

The State of Texas, County of Duval.

I, Andrew R. Valls, Clerk of the County Court, in and for Duval County, Texas, duly commissioned and qualified in term of law, do hereby certify that personally came, and appeared before me, James F. Mount, a citizen of this county, to me well known, who, being duly sworn, according to law, deposes and says:

On the 19th day of April, in company with other persons, I left San Diego for the scene of the Indian raid, to assist any wounded persons we could find, and to bury, also, the dead. On the first day I went to Brown's rancho, and found there a wounded Mexican, properly cared for. We then went on to Steele's rancho, and found, about one and a half miles from the rancho, the bodies of two children, one about seven and the other about twelve years old, and recognized them as the children of Mrs. Taylor, residing on Steele's rancho. The bodies were horribly mutilated. I helped to bury these two bodies. Others of our party were around in other places, burying the bodies of Mr. John Steele and two shepherds, and, also, a shepherd of Mr. Gillette. I only know from hearsay the amount of property destroyed. I saw the bodies of Mr. Gillette's head shepherd and also of the two Taylor children. They

were killed by arrows, as well as gun-shot wounds, and afterwards mangled with knives.

JAMES F. MOUNT.

Sworn to and subscribed before me, this 11th day of May, A. D., 1878.

ANDREW R. VALLS,
Clerk of County Court, Duval County, Texas.

BY J. W. HART.

The State of Texas, County of Duval.

J. W. Hart, residing in Duval County, Texas, being duly sworn according to law, deposes and says:

On the —— day of April I went in search of the body of John Steele. We found the body of John Steele and of one shepherd of Mr. Steele's, both killed by Indians: one shot with arrows and the other with arrows and rifle. I helped bury the bodies. From there, proceeding to my camp, found all my property carried away or destroyed, to the value of some four hundred dollars. I heard of several other persons being killed, but did not personally see the bodies. My partner, Mr. William Seaton, saw several persons enter my camp and swears positively they were Indians.

J. W. HART.

County Clerk's Office, Duval County, Texas.

Personally came, and appeared before me, J. W. Hart, to me well known, who, in my presence, signed the above affidavit, and did so under oath; to certify which, witness my signature and seal at San Diego, this 11th day of May, 1878.

ANDREW R. VALLS,
Clerk County Court, Duval County, Texas.

*LETTER OF E. CHAPMAN MOORE.

CORPUS CHRISTI, TEXAS, April 22d, 1878.

Col. Nicholas J. Moore, Galveston, Texas.

MY DEAR UNCLE NICK: This sad letter follows the telegrams which have borne the heart-rending news of your brave and noble son's death.

*NOTE:—This letter is taken from a press copy of the original, which Mr. Moore retained. It has been placed in the hands of the Committee by his family, and owing to the absence of Mr. Moore at the time of publication, the Committee have substituted it for his affidavit. This will in time be obtained, confirming the letter, and will be forwarded to the Department of State.

We left this place together by the railway, for Banquete, to which point we had sent our horses previously, on Tuesday morning, the 9th of April, and spent the night at Mr. Curtis', near Banquete. He was to be a neighbor with us in the sheep country, as he was going to move there too. Next day we reached San Diego, sixty miles from here, and remained there, or in that vicinity, visiting sheep ranchos and inspecting flocks of sheep, until Tuesday morning the 16th, at nine o'clock.

Having heard, before we left home, that there was a choice lot of ewes for sale at Steele's rancho, which a friend recommended us to see and purchase, we determined to go to that rancho and see those ewes.

On Tuesday night we reached Mr. A. Labbe's rancho, twenty-five miles from San Diego. He entertained us with true and kind-hearted French hospitality. His two sons, about the age of Fred and I, engaged us in gymnastic sports, which both of us entered into with great zest. The old people looked on with delight, and we did not retire until after ten o'clock. Devoutly we knelt together. We slept in the same room and on the same bed. Fred and myself, in the morning, again knelt in prayer to our common Heavenly Father.

Next day we bade the good people a kind farewell, and at eight o'clock A. M., we took the road once more. We were very happy. We sang nearly all the morning. They were all hymns, and among them: "Jesus Paid it All," "Rock of Ages," and Fred's favorite, "In the Cross." "Rock of Ages" I think was the last one we sang. By noon we reached a place where there is a creek, a pond and hill. The locality is known as San Ygnacio. Here we spent about three hours, for it was very warm; and we had only about ten miles more to ride to reach Steele's rancho.

We left our noon camp together at, say, three o'clock on the evening of Wednesday, April 17th. We had roasted pecans in camp—a new thing for Fred, and he liked them—and he was eating them as we both rode along together, he on my left side and I on his right, our road at this time being duly west. We had ridden about three quarters of a mile when Fred, looking ahead, said: "Look! what a whirlwind!" As I raised my eyes I saw a party of eight men. (The whirlwind was the dust raised by Indians driving stock. We did not see the stock nor the Indians. This I learned only, afterwards, from others.) They were within

a hundred yards of us—doubtless they had seen us in our camp, at noon, and waited for us. They, when we first saw them, were beyond and sheltered partly by bushes growing on the border of a small ravine that crossed our road.

I told Fred to put up his quirt (whip) which he did. I changed mine from my right hand to my left. Fred I noticed, strangely continued to pick at the pecans. I exclaimed: "For God's sake throw down the pecans." However, he had put up his quirt and had adjusted his six-shooter belt, and both our pistols were before us, and ready for use upon the turn of a hair. We were both cool, collected and ready. We were now hardly fifty yards from the eight men.

Our precautions were only the ordinary precautions taken on the road in a wild country. We did not in any extraordinary way, suspect the men before us, across the little ravine, and partly hidden by the bushes, which they seemed at that moment to have approached. Fred said nothing, nor I. I thought them cow-drivers. One was a white man, bull-necked, sunburnt, but fair, not florid, light hair, little beard, tall, would weigh one hundred and eighty to two hundred pounds, and he was in the front. Next to him was a small, very dark-featured, bushy beard and long haired, wiry little Mexican. The white man rode a large gray horse. The Mexican rode an ordinary, but good brown pony. The white man advanced, and nearly flanked me, as if appearing to give us way. We bore to the left, expecting his party to follow his movement, and allow us to pass them. The Mexican on the brown pony, however, confronting us, moved to the side we were on, and opposite from the white man. Thus, we were almost flanked on both sides, and the remaining six men faced us. We were now, perhaps, forty feet apart. There were four white men, I think in party. Also, it may be that the other four were Mexicans, but remembering now the peculiar ride of two of them, doubtless two were Indians and two were Mexicans. All were dressed.

Fred first noticed the flanking movement, or a motion which convinced him, and he said: "Here they come!" They were his last words to me. On the instant he spoke, the white man fired at me; then, simultaneously, Fred, I and the Mexican fired, Fred at the Mexican, I at the white man—we all missed each other. We wheeled to run, and, singular to tell, Fred and I changed sides, crossing, and ran back upon the road we had traveled, but thus, inadvert-

antly, with the same sides to each other. The white man charged, too, and followed me and the Mexican charged also, and followed Fred, but each of these two pursuers a little outside of the road, while the others—the six—kept the center of the road in the race, and all fired at us as we ran. We kept them, by an occasional shot, in check. They held in to keep from closing upon us. I got three shots with my pistol. Fred, I think, got five with his. None of our shots were effective as far as I know. Perhaps we ran half a mile, may be a little more, when we reached a point where the bushes thickened, sufficiently to give us at least some protection. Shots followed us thickly all the way. I had all I could do to watch my man. Fred and I were side and side. He was too near for me to see him without turning. I had to look on the side away from him. As we were turning, or, perhaps, about to turn into the bushes, I did look, I don't know how, or why, on Fred's side. He threw up his right arm, he clasped his right thigh with the same hand, and in a moment fell. He was shot through the body, the ball passing through his chest. Those who saw him afterwards say he was killed outright.

I got hold of my Spencer rifle at this moment, and got a shot at the white man. That shot killed his horse—wounded him badly—I found it afterwards. I had lost sight of the Mexican and had outrun the others. I gained the bushes, and shortly reached a dense thicket on the hill. Thence I saw four men hunting for me. I left my horse, and with gun and pistol reached the denser thicket and so escaped. From dark till two o'clock I took a course and traveled. Then I dozed an hour and a half, and at half-past three started again. At four the fog shut out the moon and all sign and then I followed a trail I had found. This trail, about eight in the morning, Thursday, led me to a sheep camp, where I got a Mexican shepherd to go with me to the Cautes Rancho, eight miles off. There I got a horse and rode sixteen miles more to Mr. Labbe's. There I got a fresh horse, and in company with Mr. Labbe's son, Eugene, we returned to look for Fred. Later in the night, on the road, we fell in with Mr. Gillette, of San Diego. He went with us that night, but we could not find Fred's body until about six on Friday morning. We covered him and went ten miles, to Steele's, for a spade and pick, and returned and buried his seventy-five yards from the road. I took the land-marks down, noted the locality, and marked with an ebony post on which was

cut his initials and the date, the grave in which we laid him. Before we had finished, it was a little past noon. Mr. Gillette and I returned to Steele's. He had been away. The brother was killed. Two children, aged seven and eleven, were missing—boys. We went to hunt them. We found them dead, cut open—two miles from Steele's house, and shot with arrows which were sticking in their bodies. Saturday night I came to the camp of a cow-man named Abner Owen, who had before joined our party and had helped to bury poor Fred. Thence I came to Mr. Labbe's, where father met me on Sunday afternoon. Thence home. I got here this evening at six o'clock.

All are in deep affliction. We do most profoundly sympathize with you. There is not one young man in ten thousand, such as was your noble son Fred Moore. Laura is greatly afflicted. I have Fred's saddle bag—it was left at San Diego—also, his memoranda book and a letter from Willie. I have, too, but bathed in his blood, his pocket edition of Moody's and Sankey's Hymns.

This brings the sad, sad narrative to a close. I have spoken as much in detail as I could. I know not what question you would wish to ask, and I have attempted to anticipate as many as possible.

Poor as my attempts are, I did not bury Fred without a prayer. We knelt around his grave and I spoke to the little party of his piety and worth, and exhorted them to live as he had lived that they might reach the Heaven to which he had surely gone.

And now, what shall I say more? Your boy lives forever and you may see him again. God grant that we all may. And now, with kindest and best wishes, and still with feelings of the deepest sorrow, good-bye.

Your affectionate nephew,

E. C. MOORE.

BY TOMAS ZUNEGA.

The State of Texas, County of Duval.

I, Andrew R. Valls, Clerk for the County Court in and for Duval County, Texas, duly commissioned and qualified in term of law, do hereby certify that on the 11th day of May, A. D., 1878, I visited the person of Tomas Zunega, now lying wounded in his house in the village of San Diego, Duval, County, and having duly

sworn him according to law, took down from the following testimony:

My name is Tomas Zunega. On the —— day of April, 1878, I was herding sheep for Mr. Rider, about the edge of Duval and McMullen Counties, at the Brown Rancho, some twelve miles from the Nueces River. I was in camp making a fire when I saw, about thirty yards from me, a body of Indians. I got behind a mesquit tree in camp, when the Indians immediately spread out and charged on me. I fired a shot on the leading Indian and then ran from them; they surrounded me and kept firing on me until I fell, wounded. The Indians then went to camp and took what gentle horses were there, and also carried away all clothing, saddles and camp equipage lying around, blankets, etc. The Indians remained about one hour in camp, and after destroying all they could not carry away, departed. The other shepherds escaped by being out with their flocks. I saw the Indians closely and am positive that some of them were Kickapoos. I can not state whether there were any Americans or Mexicans with them. Their movements were so hurried that I could not make them all out, but am certain some I saw were Kickapoos.

His
TOMAS X ZUNEGA.
mark

Witness to mark, CHARLES HOFFMAN.

Sworn to and subscribed before me this 11th day of May, A. D., 1878.

ANDREW R. VALLS,
Clerk County Court, Duval County, Texas.

BY R. JORDAN.

United States of America, Eastern District of Texas, State of Texas, County of Nueces.

Before the undersigned, Commissioner of the Circuit Court of the United States for the Eastern District of Texas, resident in the City of Corpus Christi, in said District, personally appeared Richard Jordan, a witness of sound mind and lawful age, to-wit: fifty years, and to me, said Commissioner, well and favorably known, and who, being first duly sworn, according to law, doth depose and say as follows, to-wit:

I have resided in the City of Corpus Christi, Nueces County, since the year 1864. Am a sheep raiser by occupation, and have a

rancho situated in Duval County, about thirty miles west of the town of San Diego, where my flocks were kept under the charge and supervision of my three sons, respectively named Richard, Samuel and John, (a minor aged nineteen years). I left Corpus Christi, accompanied by my youngest son, Frederick, in a spring wagon, for the purpose of attending to the shearing of the sheep at rancho, on the 15th day of April, last, 1878, and on the 18th (three days after), arrived in the vicinity of the rancho of the Gravis brothers, six miles east of mine, and encamped for the night. A short time after dark my son Samuel came on horseback into my camp, and informed me that his brother John and a friend of his, named Antonio, had been killed at the rancho that afternoon by a party of raiders, whom he supposed to be made up of Indians and Mexicans; that himself and brothers, and, others, were building a shearing pen at the rancho that evening, about five o'clock P. M., and hearing several shots in quick succession, looked up the road, and at a distance of about three hundred yards, discovered a large party of mounted men charging down upon them at their shearing pen. They then fled to the thicket close by for protection from the raiders, who entered their pen and took everything they found there, being saddles, bridles, blankets and clothing; also a mule and two horses that were staked near the pen; a set of mule harness and an iron skillet being the only article which they failed to take with them. They, the raiders, then moved off to a pond of water near by and watered their animals and proceeded towards the Laredo road. After their noise and bustle had subsided my sons came out of their hiding places in the thicket and went to the place where they had heard the shots fired, and there found the body of their brother John lying dead, with three bullet holes through his body and an Indian arrow also in him; also, near by, the body of his friend, Antonio—an old man—dead, with five bullet-holes through his body and one through his right hand. An arrow that had been in his body, was pulled out and layed by his side. They had cut the boots open on my son John, and took off his socks and hat, but did not mutilate him. His neck was broken as supposed by the fall of his horse. They pulled off the boots from the old man Antonio, but left them beside him. After seeing these things, my son Samuel then ran on foot nearly four miles to a place where he had a horse hobbled, which he mounted and started for the Gravis brothers' rancho for help, and found myself and son Fred-

erick encamped, when he informed us of the above facts. I then waited until daylight the next morning and harnessed up my team and started for the rancho, when I met on the road, my two sons and some other persons with them, bringing in the dead bodies of my son John and Antonio to the rancho of the Gravis brothers, where we interred them.

I then proceeded to the rancho, and ascertained that two of the five shepherds employed on my flocks had been captured by the raiders, and that after they were robbed of all their effects the robbers released them, and told them to get out of the way, as another party was coming on behind them, who might kill them—the shepherds. One of the raiders then asked the shepherd if he was a friend to the Kickapoos, (in the Mexican language). He replied that he was, when they released him as stated. Some of the raiders had guns and pistols, and also bows and arrows.

When I reached my sheep camp I found the shepherds had all fled to the thickets and their flocks had, in consequence, got mixed and scattered. My losses in consequence of this raid have been very heavy. The shepherds that were prisoners stated to me that they believed the party of raiders to number between thirty and forty men, who were Mexicans and Indians, and were then driving a large herd of horses before them. They appeared to move in three divisions, the advance killing and clearing the way, the next party driving the stolen horses, and a rear guard, all of whom were well mounted and armed.

I further depose and say that on the night of the 18th of April, when my son Samuel came to my camp and informed me of the killing of his brother John, that I employed an expressman to proceed to the town of San Diego, about thirteen miles distant, to notify the military Commandant of the Post, and requesting the assistance of the U. S. troops. The expressman returned to my camp next day and stated that he delivered the letter to the County Judge of Duval county, Jas. O. Luby, who informed the commanding officer of the contents, and was informed in reply that he had already dispatched a detachment of ten men, which “was a sufficient force,” he thought, “to whip the fifty Indians.”

On the 20th of April, Mr. Frank Gravis returned with his party of citizens from the vicinity, who had pursued the raiders from the lake near the shearing pen at my rancho, and came up with them near sundown, same day, and attacked them at a point below

Laredo about fifteen miles, and same distance from the Rio Grande. Mr. Frank Gravis, seeing they were in much superior numbers and were equally armed, was obliged to retire back with his party. After awaiting that night in the vicinity, they discovered the next morning that the raiders had gone towards the Rio Grande river. They proceeded to examine the ground occupied by them and found several dead horses that were shot by the attacking party in the skirmish.

I remained at the sheep ranch about twenty-five days after these occurrences, endeavoring to recover the scattered and lost sheep from my flocks, and also completing the shearing, and during all this time no troops had come to examine the trail or investigate the matter, up to the time I left for Corpus Christi, on the 18th of May, inst., and I am now compelled at heavy expense, to abandon my rancho and move my sheep away for want of protection.

R. JORDAN.

Sworn to and subscribed before me, at Office in Corpus Christi, this 25th day of May, A. D., 1878.

JOSEPH FITZSIMMONS,

U. S. Commissioner.

BY CALIXTO RODRIGUEZ.

The United States of America, State of TEXAS, County of Duval.

Before the undersigned, a Commissioner of the Circuit Court of the United States, for the Eastern District of Texas, resident of the City of Corpus Christi, in said District personally appeared Calixto Rodriguez, a witness of lawful age and sound mind, who on oath deposes and says that he is a resident of the State of Nuevo Leon, Mexico, and is by occupation a freighter of merchandise. On the 19th, day of April last, 1878, witness was employed in hauling hides from Laredo to Corpus Christi, with his mule wagons, and while on the road, near a lake or pond of water, named Laguna del Muerto, about ten leagues east of Laredo, he was attacked by a party of mounted raiders, who approached in a hostile manner, when witness, being satisfied they were a party of five Indians, coralled his wagons and mules and fired on the Indians, who then rode round his teams firing on him rapidly for the space of three-quarters of an hour, which fire was returned by deponent and his assistant teamsters, numbering six men. Another party of seven raiders came up during the progress of the fight, making twelve in

all, who after some time left without being able to do any damage to the witness or his party, except wounding a mule. After their failure to capture the mules of the train they (the raiders) went off towards the Rio Grande. Witness then moved on towards Corpus Christi with his wagons, and found two carts loaded with wool and hides, standing in the road, which had been attacked and the teamsters captured, (two Mexican boys), who were taken prisoners and stripped naked and then turned loose by the Indians, who destroyed the freight by cutting the wool bags and hides, and scattering the contents. Witness is a native of Mexico, but was formerly a resident of McMullen County for about seven years. These two boys stated to witness that the Indians inquired of them where they could get good fat horses, when they informed their captors that a train of witness, with good mules, was a few miles behind, on the road, which he believes induced him to release the boys, and come to attack his teams.

CALIXTO RODRIGUEZ.

Sworn to and subscribed before me at Corpus Christi, this 31st day of May, 1878.

JOSEPH FITZSIMMONS,
U. S. Commissioner.

BY FRANK C. GRAVIS.

United States of America, Eastern District of Texas, State of Texas, County of Nueces.

Before the undersigned, Commissioner of the Circuit Court of the United States, for the Eastern District of Texas, resident in the City of Corpus Christi, in said District, personally appeared Frank C. Gravis, a resident of the town of San Diego, in Duval County, who, being duly sworn, deposes and says as follows:

I am a sheep raiser by occupation, and have a rancho twenty-five miles west of San Diego, where my flocks range, under the control of seven or eight Mexican shepherds. On the 18th day of April last, 1878, I was engaged at my rancho in superintending my sheep. An express was sent me from Jorge Alanes, a neighbor living about four miles off, that a party of Indians had killed a man by the name of Basan, at the Solidarad Rancho, about twelve miles north of my place, and were gathering all the horse stock in the vicinity, requesting to get a party of men and meet him that night, for the purpose of recovering the horses if possible. I then sent an express to Mr. Edward Caldwell, at the Borjas Rancho, asking to send

word among his neighbors, and request them to meet us and join in pursuit. About half an hour after this Mr. Samuel Jordan came to my rancho and told me that the Indians had killed his brother John and a man named Antonio Valdez, close to his rancho, that evening shortly after sundown. I immediately went with Mr. Samuel Jordan up to the Munoz Rancho, about two miles distant, where I found Capt. Richard Jordan, the father of Sam, who requested me to write to the commanding officer of the U. S. troops stationed at San Diego, which I did, addressing my letter through the hands of the County Judge, James O. Luby, which I am informed was so delivered to the commanding officer.

While at my rancho I was joined by three Americans and four Mexican residents of the vicinity. I went with my party to Mr. Jordan's rancho, and arrived about eleven or twelve o'clock at night, and there met Richard Jordan, Jr., and a man named Porter, who had just brought the bodies of John Jordan and Antonio Valdez. We left two of our American friends to assist in conveying the bodies to my rancho for burial, and with the remainder of the party six in number, encamped for the night on the trail, for the purpose of discovering which way the trail led, and who they were, with a view to send an express to the troops. I sent an express back that night, informing the commanding officer which way the trail had gone, and next morning at day, with my party of six men, started on the trail in pursuit, and found the Indians had encamped within four or five miles of where they had killed John Jordan and Valdez the evening previous. About seven or eight miles from that place we found, on the trail a man named Margareto Rodriguez, a shepherd, who was shot through the body, and was then alive, but has since died, who informed me that there was about forty men in the party, who were driving a herd of horses, about fifty or sixty head, before them. He also said that the party was composed of, principally, Indians, and one who appeared like a Mexican or American. After continuing the pursuit, I called at the rancho of Ylario Leal, for more men to assist in the pursuit, but obtaining none. I there found two men coming into the rancho, who were stripped naked by the party, who told me they knew them to be Kickapoo Indians who lived in Mexico, and that they had seen them often, trading in towns in Mexico. These two men were cart drivers engaged in hauling wool to Corpus Christi. They stated to me they were stopped on the road and stripped of their

clothes, and also the provisions they had in their earts. I was here joined by eight more men, and we started on the trail again. About six miles from there we met a mule train, which with freight of wool and hides, on the main road from Laredo to Corpus Christi, and learned that they had been attacked by twelve Indians about two hours before we met them, but repulsed them—the Indians.

We then pursued them on the trail, and found hats and various articles of clothing, which they had taken from different sheep camps which they had robbed on their route.

I was here joined by another small party of men, making seventeen in all, and we struck out in a faster gait, and soon came up to where they had left horses broke down, and some they killed with arrows and guns. When within about twenty miles of Laredo, I dispatched an express to the authorities at Laredo, to send us some men to assist in the pursuit. The Indians had that evening robbed several ranchos of all the saddle horses they had, and about half an hour by sun we came up with them, in sight, and made a charge, and were met by a party of twenty-five or thirty, who came over a hill in our front, and we commenced skirmishing with the Indians, which we kept up until we saw we were outnumbered, and also a part of our Mexican allies left the field and abandoned the fight, when I was compelled to fall back into the timber with a few Americans of my party. The Indians then withdrew, as it was getting dark. I then went to a rancho called Tule, about twenty miles from Laredo, and about eighteen miles from the Rio Grande, and encamped with my little party for the night, to see if any assistance would come from Laredo. I waited at this place until nine o'clock next morning, and no word or assistance came. Some of our men went over the ground the next day and found several horses that had been killed in the skirmish, and the trail striking towards the Rio Grande river at about eighteen miles distant. I saw the "caval-lado," and it appeared to have about one hundred and fifty or two hundred head of horses which they had stolen on their raid. On my return coming home, we met two men who had been wounded by the Indians the day before, one with arrows and the other with ball. I was also informed of several men who had been killed and wounded by them on their raid. This is all I know, personally, and I verily believe that they were Kiekapoo Indians from Mexico, as I

observed them closely. They carried bows and arrows, and also guns—Spencer rifles, I believe.

FRANK C. GRAVIS.

Sworn to and subscribed before me at office, in Corpus Christi, this 26th day of May, A. D., 1878.

JOSEPH FITZSIMMONS,

U. S. Commissioner.

BY E. H. CALDWELL.

The State of Texas, County of Duval.

Before me, A. R. Valls, Clerk of the County Court of Duval County, Texas, personally came and appeared E. H. Caldwell, to me well known, who, being duly sworn according to law, deposes and says:

On the 18th day of April, 1878, we received notice Indians were in the country, and had killed a man at the Solidad, and were driving a bunch of horses ahead of them. On the way to the Solidad we met a courier who informed us John Jordan was killed by Indians. I went on, and at Munoz's met Mr. Gravis and others, and went on to the Jordan rancho, and there found the dead bodies of John Jordan and a Mexican. From there we proceeded to Charco Escondido, and there camped for the night; at day-light we took the trail, and after following it some ten miles found a man wounded, shot through the right side, (who has since died); this man informed us there were thirty or more in the party; this man was shot on the morning of the 19th. Thence we went to Hilario Leals' rancho and were joined by seven Americans and two or three Mexicans. At Leal's rancho we found two Mexicans naked, who had been stripped and robbed by the Indians, about two miles west from the rancho on the Corpus Christi and the Laredo road. Pushing on thence west some three miles we struck the trail, which we followed until about fifteen minutes before sundown and came in the sight of the Indians. We charged the Indians, they coming on to meet us. The Mexicans in our party gave way and abandoned the field. We had a sharp skirmish with them but being outnumbered drew off.

E. H. CALDWELL.

Sworn to and subscribed before me, this 13th day of May, A. D., 1878.

ANDREW R. VALLS,

Clerk County Court, Duval County, Texas.

BY CHAS. F. H. VON BLÜCHER.

United States of America, Eastern District of Texas, State of Texas, County of Nueces.

Before the undersigned, Commissioner of the Circuit Court of the United States for the Eastern District of Texas, resident in the City of Corpus Christi, in the said District, personally appeared Chas. F. H. Von Blücher, a witness of lawful age, to-wit: over the age of twenty-one years, a native citizen of Nueces County, in said State of Texas, who, being duly sworn according to law, deposes and says:

I am at present a resident of the town of Laredo, in Webb County, Texas, where I am engaged in business. On Saturday the 20th of April, 1878, about four o'clock P. M., I was called upon by the commanding officer, Major Sellers, of the U. S. troops stationed at Fort McIntosh, Laredo, to act as guide and interpreter for a detachment of U. S. troops dispatched by Major Sellers in pursuit of a party of raiders or Indians reported to have been engaged in ravaging the ranchos or settlements in the vicinity for some days previously. I traveled as guide with these troops down the Rio Grande in the direction the Indians were reported to have taken their plunder. We discovered their trail about twenty-five miles below Laredo and followed it to the water's edge of the Rio Grande, about three-quarters of a mile below the Rancho Dolores. The appearance of the trail indicated a large number of men and horses. After searching around where they crossed the river to Mexico, we found several articles which they had abandoned, apparently in their haste to recross into Mexico, such as bags of flour, sugar, coffee, matches, some old clothing and several pairs of buckskin moccasins, which were picked up by the ranchmen living in the vicinity.

They left (3) three rafts made of a light species of wood, on the river bank, called Tarrai, on which they crossed effects, etc., and left them lying on the Mexican bank of the river.

A Mexican citizen of the vicinity, well known as a credible person stated to the officer in command, that he was concealed in the vicinity when the Indians came to the crossing, and counted forty-three men, apparently Indians, although several of them had heavy beards and looked like Mexicans, and all were armed with Remington and Spencer rifles. They also had a drove of about one hundred head of extra horses, which they captured in their raid into

Texas. This man remained concealed in the thicket until after all the Indians had crossed, being afraid they would kill him if discovered. A Mexican negro, who had been captured by them, and who was shot through the shoulder in making his escape, reports that he heard them converse in what appeared to him to be Kickapoo dialect.

We returned to Laredo next day and reported the commanding officer, Major Sellers, what we had discovered, and I was discharged as a guide and interpreter, no further service being required of me.

CHAS. F. H. VON BLÜCHER.

Sworn to and subscribed before me at Corpus Christi, this 31st day of May, 1878.

JOSEPH FITZSIMMONS,
U. S. Commissioner.

BY E. CHAPMAN MOORE.

The State of Texas. County of Nueces.

Before me, the undersigned authority, personally appeared E. Chapman Moore, a resident of the City of Corpus Christi, and a citizen of the County and State aforesaid, who, after being duly sworn, says that the statements made in his letter, dated Corpus Christi, Texas, April 22nd, 1878, and addressed to Col. Nicholas J. Moore, Galveston, Texas, as printed in a pamphlet emanating from the people of the district of country between the Nueces river and the Rio Grande, as per folios 21, 22, 23, 24 and 25 of said pamphlet, entitled: "An Appeal," etc., are the truth regarding the occurrences therein mentioned. In testimony to which, witness his signature this, 28th day of June, A. D., 1878, in the City of Corpus Christi, County and State aforesaid.

E. CHAPMAN MOORE.

Sworn to and subscribed before me this 28th day of June, A. D., 1878.

J. W. WARD,
Notary Public, Nueces County, Texas.

THE ROUTE.

The savages coming from Santa Rosa, in the State of Cohahuila, Mexico, doubtless traveled in a direct line eastward to the Rio Grande, for they crossed that river on the 14th day of April, 1878, and entered Texas at "Apache Hill," in Webb, near the line of Maverick County.

From "Apache Hill their course was southeast, following the road down the bends of the Rio Grande, for a distance of forty miles to a point within fourteen miles of Laredo and Ft. McIntosh.

Thence northeast, to Ft. Ewell, in La Salle County, on the Nueces River, seventy miles from their point of departure from the Rio Grande.

Thence they skirted the Nueces River to Steele's rancho, on the border of McMullen County, and continued a southeast course to the Toribio Rancho, in Duval County, thirty-five miles from Ft. Ewell.

Thence they turned sharply to the west for a distance of ten miles, to the Solidarad Rancho, and then to the south for ten miles more, to Charco Escondido, distant only thirty miles from the Government troops at San Diego.

They there took their departure in a direct line southwest and passed diagonally through the southern half of Encinal County, and thence parallel with the Zapata County line they crossed Webb County, within eighteen miles of Ft. McIntosh and the town of Laredo, and passed over the Rio Grande into Mexico at the Dolores Rancho, twenty-five miles below the above named Government post, having traveled ninety miles since leaving the Charco Escondido.

These distances are estimated in air lines and make a total of two hundred and seventy miles in Texas, to which may be added one-third more for the departures made by the savages from the track to visit other points off the route. These give a total of three hundred and sixty miles, and as the marauders were in the country six days, they averaged sixty miles of predatory incursion daily.

Having crossed the Rio Grande they took a direct line northwest to their homes near Santa Rosa. These lines traced on any reliable map will clearly indicate the territory traced by the raiders.

CITIZENS' MEETINGS.

[From the Corpus Christi Free Press.]

Last Monday night, April 29th, 1878, pursuant to call, a well attended meeting of the citizens was held at Market Hall, to consider the recent murderous raid from Mexico, and to make a proper representation of the condition of affairs on this frontier to the State and National authorities.

Mayor John M. Moore called the meeting to order, and stated its objects, whereupon Judge Joseph Fitzsimmons was elected President; Mayor John M. Moore, Judge J. C. Russell, Capt. W. H. Berry, Vice-Presidents; W. H. Maltby, Secretary.

Judge Russell was absent.

At the request of the President, Capt. John J. Dix addressed the meeting, reciting briefly the condition of the frontier since 1834. He was not favorably impressed with the efficiency of U. S. troops, under existing orders governing their movements; had more faith in one company of Texans, like Hall's men, than a regiment of regulars. He believed that in Indian warfare, a commanding officer should be clothed with discretionary powers. He depicted atrocities—the murder and mutilation of children and men indiscriminately—with much earnestness and feeling. Throughout, Capt. Dix's remarks were comprehensive, to the point, and elicited applause.

The meeting was also briefly and appropriately addressed by Messrs. John Kellett, of Sta. Margarita, and Wm. DeRyee, of Corpus Christi.

A motion was made by Capt. Berry that a committee of five be appointed to draft suitable resolutions, expressive of the sense of the meeting, to be forwarded to the Governor of the State and our Representatives in Congress.

Pending its adoption, Mr. Wm. Headen addressed the Chair upon the importance of selecting a committee which would collate nothing but in controvertible facts, that would have weight with the Secretary of the State. He held Mexico responsible for these raids, from the fact that she harbored and protected the cut-throats engaged in them. He thought it important that the grand juries and courts of the State should commence the work. The fact that the Adjutant General of the State had reported over four thousand refugees from justice, with many counties not heard from, sug-

gested the belief that many of those outlaws were among the remaining bands. It was for good citizens to inaugurate a more vigorous policy and cease to tamely submit to the presence of lawless men. Though the method would be slow, he thought it would be sure.

The following committee were then elected: Judge Joseph Fitzsimmons, Judge J. C. Russell, Hon. John M. Moore, Capt. H. W. Berry, Capt. John J. Dix.

Nelson Plato, Esq., Messrs. Ed. Buckley and Wm. Headen were elected Corresponding Secretaries.

The Committee on motion was then given a *carte blanche* with instructions to report at a future meeting, on call. The meeting then adjourned.

JOSEPH FITZSIMMONS, Chairman.

WM. H. MALTBY, Secretary.

A call meeting of the Citizens' Committee was held in the Council Room on Wednesday evening, May 22nd, 1878. Present: Judge Joseph Fitzsimmons, Chairman; Judge John C. Russell, Mayor, John M. Moore, Nelson Plato, Esq., Messrs. John J. Dix, H. W. Berry and Wm. Headen; W. H. Maltby, Secretary. Absent: Mr. Ed. Buckley.

Several letters that had been received by Corresponding Secretary Headen were read.

An effort was made, without success, to obtain the presence of Mr. Peter Steffian, who was supposed to be in possession of valuable information in regard to the recent raid. The messenger failed to find him.

A motion by Judge Russell was adopted, "that competent persons be appointed in the counties of Duval and Webb, to obtain authentic statements of events of the recent raid, and report same to Committee."

Capt. John Dix was authorized to employ a competent person in Duval County for such service. He was of opinion that he could employ a reliable citizen, who would demand nothing more than actual expenses. Mayor Moore and Judge Russell were appointed a committee to confer with Mr. Macdonnell and others, to ascertain what could be accomplished in Webb County towards procuring evidence, etc.

Capt. H. W. Berry was authorized to solicit subscriptions in Nueces County. Mr. E. C. Moore was requested and consented to assist him. Mr. Wm. Headen was elected Treasurer of Nueces County fund.

The papers of the City were requested to publish the proceedings of the meeting.

Adjourned subject to the call of the Chairman.

JOSEPH FITZSIMMONS, Chairman.

W. H. MALTBY, Secretary.

The Committee of the People, appointed to collect evidence relative to the late Indian raid, having been convened by call of its Chairman, met in Mayor's Office in the City of Corpus Christi on June 4th, at eight o'clock, P. M.

Members present: Hon. Joseph Fitzsimmons, County Judge, Chairman; Hon. John M. Moore, Mayor, and Capt. H. W. Berry, together with the Corresponding Secretary, Wm. Headen.

Wm. Headen, on motion, was appointed Secretary of the Committee, pro tem.

Visitors present: Ex-Gov. E. J. Davis, of Austin; Hon. Lucien Birdseye, of New York; Walter A. Gresham, Esq., of Galveston; Capt. R. Jordan and Messrs. S. W. Rankin, Jos. Almond and Donald McIntyre, of Nueces County.

The reading of the minutes of the last meeting was deferred.

The affidavits of Jas. F. Mount, E. N. Gray, E. H. Caldwell, Tomas Zunega, J. W. Hart, Frank C. Gravis and Wm. H. Steele, of Duval County; Mr. Peter Steffian, of Webb County; Capt. R. Jordan, of Nueces County; and Calixto Rodriguez, of the State of Nueva Leon, Mexico, were presented, duly signed, sealed and authenticated, and on motion were read before the Committee and the visitors named.

Gov. Davis, Judge Birdseye and Mr. Gresham addressed the meeting by request and expressed deep interest.

Capt. R. Jordan made a heart-moving statement regarding the killing of his son, and the exposure of the families of our frontiersmen to sudden incursions of the Indians.

On motion, Messrs. Moore, Berry and Headen were appointed to prepare a history of the raid from the data before the Committee, in the form of a memorial address to the President and Congress of

the United States, and supported by the affidavits as taken, have the same published in pamphlet form, to be laid before each department of the General Government, upon the desk of each member of Congress, and upon the tables of the "press" of the United States.

Upon motion Committee adjourned to meet on call of the Chairman.

JOSEPH FITZSIMMONS, Chairman.

Attest:

WM. HEADEN, Secretary pro tem.

Pursuant to call another meeting of the Citizens Committee, appointed to investigate the recent Indian raid, was held at Market Hall, Thursday evening, June the 13th, 1878.

Present: Judge Joseph Fitzsimmons, Mayor John M. Moore, Capt. H. W. Berry, Mr. Wm. Headen, and W. H. Maltby, Secretary.

Minutes of the last meeting were read and approved.

Corresponding Secretary Wm. Headen presented the address of the Committee to the Hon. Secretary of State of the United States, together with a report or narrative of the raid, and affidavits of parties corroborating the report.

The address was read and unanimously adopted.

It was ordered that the address, report and affidavits be printed in pamphlet form, copies to be sent to the Secretary of the State, members of Congress and to the leading journals of the country.

No further business for consideration coming up, the meeting adjourned *sine die*.

JOSEPH FITZSIMMONS, Chairman.

WM. H. MALTBY, Secretary.

BOOK REVIEWS AND NOTICES.

Since last reviewed in the QUARTERLY, *The Land of Sunshine* (hereafter to be known as *Out West*) has printed another valuable source for Southwestern history hitherto unpublished in English, namely, the report made in 1632-3 by Father Fray Estévan de Perea, successor to Benavides as Custodian of the Missions of New Mexico, to the Commissary-General of New Spain, on the Perea expedition to New Mexico and the state of the missions there. The abbreviated title of the first part of the report (printed in the November number), is the *Truthful Report of the Magnificent Conversion which has been had in New Mexico (Verdadera Relacion, de la grandiosa Conversion que ha auido en el Nuevo Mexico)*. The title of the second part (December number) is the *Second Report of the Magnificent Conversion which has been had in New Mexico*. As the editor comments, "this rare document advances by nearly three years our knowledge of affairs in this important period of the early history of New Mexico."

The "Antiquities of Mexico," by Lord Kingsborough. A collation. By Rev. Edmond J. P. Schmitt. San Antonio, MCMI. Pp. 22.

This is another piece of work that occupied the failing energies of Father Schmitt during the period just previous to his death.¹ It seemed to be his special desire to do what might be helpful to other students, and this collation is a good example of the fruit of such a spirit. It is a description of Lord Kingsborough's rare work of a kind to enable one who has not access to the series of volumes himself to judge as well as may be in such case of its contents. Unfortunately, the notes were incomplete when the author died; and the promise in the foreword to indicate, so far as he could ascertain, "the *locale*, of copies of the work" remains unfilled.

Shortly after the collation had been placed in press Father Schmitt died, and the work of editing it fell upon his friend, Miss Adina de Zavala. The difficulties with which she had to contend

¹See THE QUARTERLY, V 61-62.

are sufficiently shown by her note on page 6, which indicates how troublesome the copy was to deal with, but she seems to have been very successful in overcoming them.

Those who have been interested in the description of the *Colección de Memorias de Nueva España* in the *Nation* of May 30, 1901, will be pleased to observe from this collation that Lord Kingsborough's work contains several of the documents in that series, and will therefore be a useful check on the copyists of the *Colección*.

The October number of the *American Historical Review* (Vol. VII, No. 1) contains articles by an able corps of writers on a wide range of subjects. Goldwin Smith, in *The Age of Homer*, aims to locate the Homeric period through a study of its political, social, and æsthetic conditions. He concludes from evidence of this nature that Homer wrote at a date later than that fixed by Herodotus, and later than is now generally believed. In *Anglo-Saxon Feudalism*, George Burton Adams, applying a strict definition to the term "feudalism," concludes that, in its essential characteristics, this institution did not exist in Anglo-Saxon England. This is contrary to the impression created by recent writers, notably, Professor Maitland, in his *Domesday Book and Beyond*. Charles W. Colby, in *The Jesuit Relations*, reviews editor Thwaites's great work and discusses critically the historical value of the sources in question. To any one using the relations the article is well worth reading. Carl Becker writes on *Growth of Revolutionary Parties and Methods in New York, 1765-1774*. Albert Bushnell Hart contributes *The Monroe Doctrine and the Doctrine of Permanent Interest*. He first states the various meanings of "the Monroe doctrine," and then lays down six principles upon which any doctrine of "permanent interest" of the United States must be based. The documents printed in this number are *Letters on the Nullification Movement in South Carolina, 1830-1834, II*.

Annals of the Fowler Family, with Branches in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Alabama, Mississippi, California and Texas. By Mrs. James Joyce Arthur (Glenn Dora Fowler Arthur), Member Executive Council, Texas State Historical Association, a real Daughter of the American Revolu-

tion, a Colonial Dame of America. Austin: Ben C. Jones & Co. 1901. Pp. xvi, 321.

The mechanical execution of the work is good throughout, and its fine illustrations add much to its value.

Genealogy in Texas is almost an untrodden field, and the author bravely assumes all the risks of pioneer work in this line in the Lone Star State. With pardonable pride of ancestry, she has unquestionably made out a good case for the Fowler family. In her hands the subject of genealogy (as generally treated, a dull one) is not without interest even to the general reader. The perusal of this volume will undoubtedly repay the student of Texas history by its suggestive allusions to our pioneer characters. There is an old Texas tradition that a man's real usefulness never begins till he has crossed the historic boundary rivers of the Republic. Accordingly, Mrs. Arthur does not fail to note the years when some of her distinguished ancestors entered the sacred dominions of Texas. To illustrate: J. H. Fowler, later congressman of the Republic, crossed Red River in 1817, followed by his brother, Judge Andrew J. Fowler, father of the author, to become a Texas congressman also. Rev. Littleton Fowler, Methodist missionary to Texas, crossed the Sabine in 1837, became chaplain for the Senate in the Second Congress, and subsequently an ardent advocate of annexation, which measure he lived long enough to see accomplished.

A native Texan and well read in the affairs of Texas, the author reflects throughout the work ardent patriotism of the typical Texan and the hopeful spirit of the Christian as well. The book, on the whole, is a creditable production, and destined to an honorable place in the literature of Texas.

C. W. RAINES.

The *Publications of the Southern History Association* for November, 1901, contains an article entitled *The Organization of the Texas Revolution*, by Eugene C. Barker. The paper deals with the development of popular excitement in Texas which began in April or May and culminated at Gonzales in October, 1835. This development has been traced chiefly by means of the minutes of public meetings, but a good deal of material has also been gathered from private and semi-official correspondence of the period. Mr. Barker seeks to show that the great majority of the 'Texans entered the struggle against Mexico with reluctance; and yet, that Mexico

is not greatly to be blamed for insisting upon the demands which forced the revolution into being: there was a small but very active war party in Texas throughout 1835, and it was natural for Mexico to fall into the error of confounding them with the whole population. The principal cause of the conflict is to be sought in the mutual distrust of the two peoples. The documents from which the paper was prepared will be published in succeeding issues of the *Publications*. They will form a very important contribution to Texas history.

In this number Miles White, Jr., concludes his article on *Henry Baker and Descendants*. Dr. Curry contributes a very interesting review of John Christopher Schwab's *The Confederate States of America, 1861-1865*. There is an excellent editorial appreciation of Prof. Herbert B. Adams; and a suggestive review of *Canada's Work for History*. Besides these, there are numerous book reviews and notices.

Pleading in the District and County Courts of Texas. By John C. Townes, LL. D., Professor of Law, University of Texas. (Austin, Texas: Published by the author. 1901. Pp. xvi, 525.)

One of the benefits expected from the founding of the University Law School was the opportunity that would be given to those chosen as professors to comprehensively study the distinctive features of Texas jurisprudence and to present to the profession, in permanent form, the matured results of their researches and reflections in this field. The volume on *Pleading in the District and County Courts of Texas* is the first fruit of this kind that has come from Professor Townes' connection with that institution. The subject selected is of general interest to every practitioner and has not heretofore met with the systematic treatment that has been desired. There was no danger, therefore, in this day of digest-making and encyclopedic learning, that a conscientious attempt to present that branch of the law in a more instructive and inviting form would meet with an unfavorable reception.

The work is what the profession had a right to expect from such a source—a lucid law treatise on philosophic lines. The book is not, as is so frequently the case, “a mere compilation of scattered instances,” nor a collection of disconnected and apparently arbitrary rules, but the outcome of an earnest effort to search out the

principles underlying our system of pleading as they have been developed and elucidated in our legislative and judicial precedents. The author recognizes that law is a liberal science and its doctrines should be exhibited as capable of progression, improvement, and refinement; his book shows Texas pleading as a living member of Texas jurisprudence. To the student of the law, and no practitioner has probably become so busy as to care to deny himself that title, this treatise will prove most welcome.

The work bears evidence that the writer has not failed to turn to practical account the lessons he has learned from oral exposition and discussion in the classroom. The teacher of a body of bright young men, as no other person, comes to perceive the difficulties that inhere in the study of law, and is able to select that method of arrangement and treatment of detail best calculated to interest the student and impress on his mind the doctrines stated.

But while the work is elementary and well adapted to lessen the labors of the student, it is a convenient reference manual for the busy practitioner. The questions likely to arise in daily practice have received due attention. The established distinctions are worked out with sufficient fullness. The conflicts in the decisions, are noted and the author's reasons given as to which rests upon the firmer foundation. The practitioner who carefully studies the book will seldom find himself, in regard to the topics of which it treats and so far as the doctrines have been announced by the courts, without an authoritative guide. The book is a book of principles, but these are not attempted to be evolved from the author's "inner-consciousness," but in nearly every instance are supported by either a constitutional or statutory provision or an adjudged case. Like any other work that proposes to set forth a consistent theory of a subject instead of a digest of points, it should first be read as a whole with sufficient care to understand the general plan of division of the various subjects and sub-topics. To such a reader of the book there will be no lack of details and practical illustrations. While it would be expecting too much to require, and especially in a first book, that all the precedents on pleading scattered throughout our statutes and reports should be brought together, digested, and methodized, the work is a most valuable contribution of materials toward that end. It presents a comprehensive view and its defects of omission and of details can be

expanded in the few instances in which the treatment is too meager, and explained in those where it is obscure, in a subsequent edition.

The convenience of the book for reference purposes is increased by full quotations of the constitutional and statutory provisions applicable to the topics considered, and by an appendix containing all the rules of the several Texas courts. These alterations effected in the law of pleading, with the judicial interpretations of them, are brought down to date.

No pains have been spared to make the mechanical features of the publication all that could be desired. The usual typographical errors in a first edition did not fail to escape the search of the proof reader.

A brief reference, in conclusion, to the particular topics treated may not be out of place. The civil jurisdiction of the district and county courts and questions relating to venue and the provisions for the organization of these courts are treated in a way that will prove acceptable to the practitioner. There is a useful chapter upon the general principles of pleading. The different instruments of pleading under our system and what they should contain and their relations to each other are thoroughly discussed. An exposition is given of pleading in those instances that require special rules, as in cases of libel, slander, mandamus, *quo warranto*, trial of right of property, and trespass to try title. There is an admirable chapter on proceedings *in personam*, *in rem*, and *quasi in rem*, wherein each is defined and distinguished from the other.

There is further a well-reasoned dissertation on the difficult subjects of parties to suits and of joinder and misjoinder of causes of action. The two opening chapters contain a philosophic contribution to the literature of the law upon jurisdiction of courts and the judicial functions of government.

One of the best parts of the volume is the tracing out, from original sources, of the development of the Texas judicial system. The history of the law is sometimes looked upon as of subordinate consideration, but this brief though comprehensive historic *résumé* will prove highly profitable reading to the Texas lawyer. The author has performed with fidelity his arduous task and it is to the interest of the profession that he continue his labors.

CLARENCE H. MILLER.

The Laws of Texas, 1822-1897. Compiled and arranged by H. P. N. Gammel, of Austin, with an introduction by C. W. Raines. Volume X. (Austin: The Gammel Book Company. 1898. Pp. 1502.)

Volume X of the Laws of Texas, compiled and arranged by H. P. N. Gammel, completes the reprint of these laws as originally contemplated.

The labor and expense of these reprints was very great, and a less hardy and enterprising publisher would never have entered upon the task. Mr. Gammel not only undertook it, but carried it out successfully. Prior to the publication of this reprint complete sets of Texas statutes were very rare and commanded a correspondingly high price. Mr. Gammel's enterprise has changed all this, and now the lawyer of even moderate means can command all the Texas statutes and constitutions in their chronological order, and can thus trace historically the written law of the State on all subjects.

The tenth volume of the compilation covers all the laws, general and special, enacted by the Twenty-second, Twenty-third, Twenty-fourth, and Twenty-fifth Legislatures, extending from the regular session of 1891 through the special session of 1897.

Among the important enactments of this period the following may be appropriately mentioned: the act authorizing the transfer of the Confederate Home to the State and establishing it as a State institution, February 27, 1891; the several acts changing the doctrine of fellow servants as to persons operating railroads within this State, March 10, 1891, May 4, 1893, and June 18, 1897; the separate coach law, March, 1891; the railroad commission act, April 3, 1891; the joint resolution submitting amendments to the judiciary article of the constitution, April 28, 1891; the several acts providing for the organization of the supreme court, court of criminal appeals, and courts of civil appeals, under said amendment, which had been adopted at an election held in August, 1891, April 13, 1893; the alien land law, April 12, 1892, and an act regarding the acquisition and holding of lands by private corporations, March, 1893.

There is a large mass of legislation with regard to common schools and the University showing continued interest and increasing appreciation of public education. There are also many laws creating new counties and new judicial districts and of similar

nature which indicate clearly the rapid growth in population and business during this period.

In the series of reviews of the volumes composing this reprint effort has been made to point out some of the interesting and important facts in the development of Texas and her institutions. It has been impossible to do more than suggest the possibilities of profit which the student may find in their contents.

When we consider that the laws of a country are only the authoritative expressions of public sentiment we are forced to recognize that the constitutions and statutes of a people are among the most authentic and valuable records of its progress. In this view these reprints cease to be an uninteresting reproduction of dead enactments and become an authentic register of the advancement of our State during the past century.

JNO. C. TOWNES.

Under the title *Was Texas a Part of the Louisiana Purchase?* Prof. Ficklen, of Tulane University, has made a valuable contribution to Texas history,—one that deserves to rank as standard authority upon this question.

He indirectly apologizes for having to combat what he mistakenly supposes is the consensus of Texas opinion upon the subject, and shows quite conclusively the negative of the proposition.

There is, however, a side issue which, while, perhaps, of no very great historical importance generally, it is well to refer to, in view of the relation of Texas to the coming centennial of the Louisiana Purchase.

For over a century Texas, as province, republic, and State, was between the upper and nether millstones of national and international politics. As a result, her boundaries now are quite different from what they were when Louisiana was purchased, and that part of area of the present State of Texas which was included in the Louisiana Purchase is greater than that part of the present State of Louisiana, which was a part of that purchase.

The State of Louisiana now has within her borders probably as much as 7000 square miles of what was a part of Texas in 1803, and probably as much as 6000 square miles of what was a part of West Florida at the same date, while Texas has about 38,000 square miles of what was a part of the Louisiana Purchase. In other

words, all that part of Texas which sheds its waters into the Mississippi river was a part of the Louisiana Purchase.

Title by discovery and exploration, under which Spain claimed all of North America, was ignored by the nations that parcellled out among themselves the continent. Subject to the historical fact that titles to territory rested upon might rather than right, permanent occupancy and use became the basis for title. If any European nation was able to hold the country it possessed, the title was good, otherwise not. Spain realized this fact in 1716, and took permanent possession of Texas and held it.

In 1712 France, having a firm hold on all the Mississippi basin, ceded its western watershed to Antoine Crozat for trading purposes, and in the name of France actual possession was taken of both banks of Red River and held exclusively, continuously, and adversely to Spain up to 1762, when she voluntarily ceded it to Spain. From 1735 up to 1762 that possession was not only peaceable, but was acquiesced in by Spain, and her title to the sources of all the tributaries of the Mississippi river was as good as her title to the banks of the great river itself.

The most easterly approach to this territory made by Spain was Adaes, about twenty-five miles west of the present town of Natchitoches. Between Adaes and Natchitoches France, up to 1762, kept a force sufficiently formidable to keep the Spaniards from coming further east. The most northerly point held by Spain was Nacogdoches. This was over fifty miles south of the divide separating the waters of the Texas, or Gulf rivers and Red River, and, therefore, well into the Gulf basin; and by no known rule, did she have constructive possession further north than that dividing line. This was the status in 1762, and was the boundary status the United States had to deal with in 1803, succeeding to the French title as it existed in 1762.

Passing for the present the claims set up by the United States to West Florida and Texas, the boundaries as they now are were fixed by the treaty of 1819. This treaty drew the Texas east line back to the Sabine and extended the north line up to Red River, giving to Spain the southern basin of that river as far west as the 100th meridian, and also all of the Mississippi basin west of that meridian between the Red and Arkansas rivers. In other words, that treaty dismembered the Louisiana Purchase by cutting out probably as much as 80,000 square miles and giving it to Spain.

The dismembered portion of the purchase what now belongs to Texas is subdivided into fifty-two counties. These have a population greater than the average State of the Union,—taxable values exceeding \$160,000,000, a cotton product in 1900 exceeding 800,000 bales, a corn product of over 29,000,000 bushels, a wheat product of over 11,000,000 bushels, and a product of over 14,000,000 bushels of oats, besides a variety of other valuable agricultural products. It embraces the cities of Wichita Falls, Gainesville, Denison, Sherman, Bonham, Paris, Clarksville, Texarkana, Sulphur Springs, and Jefferson; the great gypsum beds of the Northwest, the copper mines of Archer, the asphalt of Montague, the iron mines of Cass, the lignite beds of Hopkins, the great lumber producing forests of Bowie and Marion, and the diversified hard woods of Delta, Titus, Franklin, and Morris. To omit these from the functions of the St. Louis Centennial would leave a large chasm and contradict the history of an essential and significant part of the Louisiana Purchase. To give them their place, then, would do no violence to the general conclusions of Prof. Ficklen, and in nowise affect the merits of his lucid exposition of the historical question.

As he seems to acquiesce in the Adams construction of the letter of the Spanish minister to Talleyrand, and as this has been magnified in importance by Mr. Benton¹ and others who were opposed to giving up Texas, a further notice of this letter may not be out of place.

Assuming that all said by the historian Adams, and Prof. Ficklen substantially embraces everything material, the facts seem to be that Laussat was in New Orleans with his instructions as prefect over the country about the time the purchase was consummated. There were also there many Americans, and to some of these Laussat intimated that he had instructions to take possession of both West Florida and Texas. The Americans then began to set up claims to both countries. When the Spanish minister heard of it, he wrote to Talleyrand, enjoining him "to restrain the pretensions of the Americans regarding the limits of Louisiana." He didn't say what limits. This, it seems, resulted in Laussat's giving forth the information that he was not to take possession of West Florida, but that Texas, as far west as the Rio Grande up to the

¹*Thirty Years' View*, I 15.

30th parallel, was included in his instructions. The Spanish minister, it seems, made no reply to this, and because he made none Mr. Adams construed his action into a tacit admission upon the part of Spain that Texas was a part of Louisiana. This is what has passed into history as an admission by Spain that Texas was included in the Louisiana Purchase. If there is not enough inherent weakness in this argument, the subsequent contest of Spain and the United States clearly shows the position of Spain. As soon as the commander of the United States forces at New Orleans saw the Spanish soldiers safely out of the city, and the inhabitants settled down to the new order of things, he began to move troops to the western outposts. As he approached the old boundary line that in practice had been settled upon between France and Spain from 1735 to 1762, he was met by a formidable Spanish force and notified that further encroachments would be treated as invasion of Spanish territory. He then abandoned the idea of taking possession of Texas and made a treaty for a neutral ground and suspension of hostilities, virtually the same neutral ground that separated the French and Spanish settlements in 1762. This was in November, 1806. Between this date and the treaty of 1819, neither country encroached upon this ground, but it is interesting to note what the United States did in the meantime. Though they had agreed not to attempt an invasion of Texas, upon the admission of Louisiana in 1812, the Sabine was defined as its western boundary. Laussat's instructions, as defined by him, excluded West Florida from the Louisiana Purchase, yet the United States proceeded to appropriate that, cutting off all west of Pearl river and adding it to Louisiana, and later on dividing the balance between Alabama and Mississippi. In other words, the United States took forcible possession of Spanish territory which Laussat said did not belong to France, while on the other hand they gave up to Spain what Laussat said belonged to France. Independently, however, of all this, it is difficult to understand how a mere instruction of France to Victor or Laussat to take possession of Texas could form the basis of title to a country she never owned, and never made any serious attempt to occupy, and Prof. Ficklen's able paper has shown it up in such a way as to virtually eliminate it from historical discussion.

Z. T. FULMORE.

NOTES AND FRAGMENTS.

“LAST MESSENGER FROM THE ALAMO.”—*The Proceedings of the Tenth Annual Meeting of the Daughters of the Republic of Texas* contains an article under this caption, by their excellent historian, Mrs. Adèle B. Looscan, who therein infers that the messenger, Capt. John W. Smith, left the Alamo “in the evening of the 3d of March, in all likelihood after dark”; which inference conflicts with my conclusion in the *QUARTERLY* of July, 1901, that he left after midnight on the *morning* of the 3d, therefore before the departure of Rose on the afternoon of that day, and that his silence concerning Travis’s speech does not tend to disprove Rose’s statement.

The inference that Smith left the Alamo late in the evening of March 3d is drawn from two considerations: first, Travis’s remark in the dispatch borne by Smith, and dated March 3d,—“Col. J. B. Bonham got in this morning at eleven o’clock”; and secondly—another inference—that Smith made all necessary changes of horses on the way.

I believe that my note in the *QUARTERLY* of October, 1901,—*The Escape of Rose from the Alamo*,—proves that Travis, being weary and pressed for time, made a blunder (surely not an extraordinary one), and that his meaning was ‘yesterday morning,’ ‘last evening,’ or ‘tonight.’ If so, the above quoted inference rests solely on another inference.

The nature of Smith’s route to Washington proves the impracticability of his changing horses on the way. Though I believe that there was a standing government ordinance to keep relays of horses on express routes, none were kept. I carefully read the proceedings of the governor and the council every week in the *Telegraph and Texas Register* till my departure for the army, on March 6, 1836; but I never saw therein any statement that such relays were established anywhere. This neglect resulted from two causes: the poverty of the government, and the impracticability of keeping relays on parts of the routes from Bexar and Goliad. The road from Bexar to Gonzales did not then, as later, lead by the present town of Seguin, but the eastern part of it lay southwest of the Guadalupe River, the entire distance being estimated at seventy

miles; and, if I was not misinformed, the first dwelling thereon was that of Mr. Bateman, a little way off the road, in the edge of Guadalupe bottom, west of the ferry at Gonzales. The only two families that had, at different times, tried to settle on that long and lonesome trail had been murdered or driven away; one by Indians, the other by Mexican robbers.

The estimated distance from Gonzales to Moore's Ferry (the present town of La Grange), on the Colorado, was forty-five miles. The first dwelling on that road was that of Mr. Berry, four miles east of Gonzales; the second was that of Mr. McClure, on Peach Creek, ten miles from that town; and the third house was a small one-room cabin, near the west bank of the Colorado, and less than a hundred yards above the ferry, with one door, no window, and no fire-place. When I visited this house in March, 1836, it was unoccupied,—the families in that section all having left home in "the Runaway Scrape." I judged that it had been occupied by a lone man, employed by Col. John H. Moore to keep the ferry;—the colonel's residence, across the river, being too distant for travelers to call a ferryman thence.

From Moore's Ferry to Washington, the distance was said to be sixty-five miles. Settlers dwelt along the whole extent of this part of the route; the average distance between dwellings being probably two Spanish leagues, and the settlements being very thin toward the Colorado, but gradually becoming thicker toward Washington.

From Gonzales to Washington, the grass on the uplands, and the wild rye and cane in the bottoms, were so bountiful as to keep all horses and cattle in fine condition during the entire year. Hence all grades of horses, when not kept at home for immediate use nor ridden abroad, ran at large, on the range. This alone was sufficient to deter a courier from relying upon chances to exchange horses on his way. Moreover, good roadsters—then termed "American horses"—could not often be bought at less than two hundred dollars each, and never less than one hundred and fifty dollars; while Mexican ponies were purchasable at from twenty-five to forty dollars each. Nearly all settlers on the route, being financially straitened, owned only the cheap class of horses, which, though able to travel twenty-five or twenty-eight miles per day, would fail within a few hours if ridden at the rate of thirty-five miles per day. It is almost certain that this was the condition of every settler between Gonzales and the Chriesman settlement,—about ninety-

eight miles from that town, and within twelve miles of Washington. I knew of only four settlers within twelve miles of Washington who probably each owned one or two "American horses" that a courier could have obtained, if they were not out on the range nor in use abroad. These four gentlemen were Col. Horatio Chriesman, Capt. James G. Swisher, Judge John P. Coles, and Dr. A. C. Hoxey.

Considering the nature of Smith's route, and the condition of the settlers thereon, he could not have changed horses before reaching Gonzales, seventy miles distant from San Antonio. There he might, possibly, but not certainly, have effected an exchange, but under risk of obtaining an untried horse, that might soon have failed. Thence to the Chriesman settlement, ninety-eight miles, there was no probability of a desirable change; and thence to Washington, twelve miles, there was a second uncertain possibility for an exchange. Thus no courier could reasonably expect to change horses on that route.

The biography of Guy Morrison Bryan, in the October *QUARTERLY*, 1901, supplies an authentic illustration of the difficulty then generally experienced in changing horses by couriers, the substance of which I here repeat. A few days before Smith's departure, Travis dispatched a messenger to San Felipe, bearing a letter, in which he announced the siege of Bexar by the Mexican army, and called for help. The authorities at San Felipe forwarded that letter by another courier to Brazoria and Velasco. This courier proceeded in haste to the residence of Josiah H. Bell, near Columbia, where he and his horse arrived, both broken down; and the school-boy, Guy Bryan, relieved him by bearing the letter, on fresh horses, to its destination.

I am sure that almost or quite every citizen between the Alamo and Washington would have taken the greatest pleasure in exchanging horses with Captain Smith when he bore that dispatch from Travis,—if he had had a horse at hand suitable for such use; but, as I have shown, such was not the case.

Several of the heroes of the Alamo had ridden thither on excellent saddle-horses; and, these being useless in the fort, their owners were willing to lend them to any messenger that Travis might send out. Hence Smith's only *sure* plan to perform his journey in the shortest time practicable was to mount one of the best horses in the Alamo, purposing to ride him moderately all the way to Wash-

ington. So I conclude that I am correct in assuming that he could not have performed the trip in less than four days; and therefore that, as he arrived at Washington on the sixth, he left the Alamo soon after midnight on the morning of March the third. °

I deem the time of Smith's departure from the Alamo a subject of special importance, because it directly bears upon the proof of the reality of Travis's speech as orally reported by Rose and published by me.

W. P. ZUBER.

QUERIES AND ANSWERS.

I wish to obtain information, as definite as it conveniently can be made, relative to the whereabouts and nature of any kind of material for the history of the Texas navy. I should like to know, also, of the locality and dates of any odd numbers of early Texas newspapers or of complete files of the same.

ALEX. DIENST,
Temple, Texas.

THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION.

Vol. V.

APRIL, 1902.

No. 4.

The publication committee and the editor disclaim responsibility for views expressed by contributors to the Quarterly.

THE QUARREL BETWEEN GOVERNOR SMITH AND THE COUNCIL OF THE PROVISIONAL GOVERN- MENT OF THE REPUBLIC.¹

W. ROY SMITH.

In studying any period of warfare we shall usually find the writers devoting pages to the details of military operations, while the government, which provides for the army and makes those operations possible, is dismissed in a few lines. No explanation of this is necessary. In one case the subject matter is interesting and dramatic, in the other it is apt to be dry and technical. Nevertheless, the purely military historian is often compelled to turn his attention to the government in order to understand events which would otherwise be inexplicable. Could any one imagine a history of the Seven Years' War with Pitt left out, or of our own Civil War without an account of the work of Chase and Seward? That is to say, in time of war neither the government nor the army can be considered apart from the other. The object of this paper will be to give a somewhat detailed account of the quarrel between Governor Smith and the council of the provisional government of Texas in 1835-1836, with a view to showing its mischievous effect upon the campaign against the Mexicans.

¹A thesis accepted by the University of Texas in part fulfillment of the requirements for the degree of M. A., which was conferred on Mr. Smith in June, 1898.

I.

THE BEGINNINGS OF THE MEXICAN REPUBLIC.

In order to understand the condition of affairs in Texas in 1835 it is necessary to begin with the revolt which established the independence of Mexico. This movement, like so many others of the time, had its origin in the French Revolution. If the liberal ideas of the Revolution did not give the actual motive power, the interference of Napoleon in Spain certainly furnished the occasion.

Ever since her expansion into an empire at the time of the Renaissance, Spain has followed the policy of giving special privileges in her colonies to favored classes in the mother country. It was against such a system that the Mexicans took up arms. Their particular grievances are summarized by Bancroft under three headings: social jealousies, exclusion from preferments, and commercial monopolies.¹ In other words, Spaniards in Mexico possessed, by favor of the home government, certain social, political, and commercial privileges, which were denied to the native-born inhabitants.

The spirit of revolt, kept down for centuries by the power of the church and by the lack of national self-consciousness, was sure to manifest itself when a favorable opportunity arose. This opportunity came when Napoleon overthrew the Bourbons and placed his brother Joseph on the Spanish throne (1808). Even then, while civil war was raging in Spain and the Mexicans might easily have acquired their freedom, there was a delay of two years before the revolt actually broke out. The priest Hidalgo, the first of the popular leaders, was executed in 1811 and the movement was carried on by Morelos. The Spanish liberal constitution of 1812 served to quiet matters for a time, but Ferdinand VII, on regaining his throne, revoked this in 1814 and resumed the old absolutism.

After the death of Morelos (1815) the revolt was carried on in a haphazard fashion until it was given a new impetus by the successful liberal movement in Spain in 1820. The liberal constitution was extended to Mexico, and met with considerable opposition from the privileged classes. Don Agustin Iturbide, an ambitious young officer, was placed in command of a large army with orders from the royalist viceroy to make a demonstration against the liberal

¹*History of Mexico*, IV 14-15.

government and re-establish the absolute rule of the king. After coming to an agreement with the insurgent chief, Guerrero, Iturbide issued the famous plan of Iguala, February 24, 1821. In this document he declared himself in favor of a constitutional monarchy, independent of Spain, with Ferdinand or some prince of the royal family at its head.¹ By the treaty of Cordova the new viceroy, O'Donoju, acknowledged the independence of Mexico. A provisional junta was formed and Iturbide was elected president of the council of regency created to administer the government until a permanent arrangement in accordance with the plan of Iguala could be perfected.

A constituent congress was at once elected in which there were three parties: one desirous of a constitutional monarchy with a Bourbon prince at its head, according to the original plan; a second favoring the election of Iturbide as emperor; and a third composed of those who wished to establish a republic. By a *coup d'état*, on the night of May 18, 1822, Iturbide triumphed, and on the following day he was formally elected emperor. He had acquired the throne only by overcoming a strong opposition, but, instead of attempting to conciliate his enemies, he proceeded to rule arbitrarily, dissolved congress, and governed through a junta established by himself. A revolt was at once begun under Santa Anna, Victoria, and other republican leaders, and on the 19th of March, 1823, Iturbide was compelled to abdicate. The generals Victoria, Bravo, and Negrete now formed a provisional regency to administer the government until a constitution could be adopted.

A second constituent congress was elected and met in November, 1823. After some debate, it adopted the *Acta Constitutiva*, January 31, 1824, declaring in favor of a federal system. Work on the constitution itself went on through the year 1824. Each part of it, as soon as it was passed, was given the force of law, and on the 4th of October, 1824, the constitution was formally adopted as a whole. Inasmuch as this constitution was the basis of the federal system and was often appealed to by the Texans in their struggle against centralism, a brief summary of its leading features may not be out of place. In the first place, it is modeled after the constitution of the United States. Eighteen states and three territories were recognized, Coahuila and Texas being united to form

¹For an epitome of the plan of Iguala, see Bancroft, *History of Mexico*, IV 710.

one state. The legislature was to be composed of two houses, a senate with two representatives from each state chosen by the state legislature, and a house of representatives elected by direct vote and apportioned according to population, as in the United States. During the recess of congress the senior senators from the various states remained at the capital and formed an executive council to assist the president. Congress and not the courts was made the final interpreter of the constitution. No provision was made for trial by jury. But perhaps the most notable non-republican feature present in the minds of the Texans, on November 7, 1835, when they declared in favor of the "republican principles" of the constitution of 1824 was in regard to the establishment of a state religion. Article Three states that "The Religion of the Mexican Nation is, and will be perpetually, the Roman Catholic Apostolic. The Nation will protect it by wise and just laws, and prohibit the exercise of any other whatever." Other clauses provided for freedom of the press, abolition of torture and arbitrary imprisonment, and the establishment of copyright and patent laws.¹

A decree of the constituent congress, passed May 7, 1824, united Texas to Coahuila² and declared that they should form one state until Texas possessed sufficient population to be admitted as a separate state. A convention elected in the new state formed a provisional government, passed colonization laws, and finally, on the 11th of March, 1827, adopted a state constitution.³ The territory of the state was divided into three departments, Monclova, Saltillo, and Bexar, the last including the old province of Texas. Catholicism was made the state religion, and all others were forbidden. Congress was to consist of one house containing twelve deputies chosen by indirect vote. There was to be a governor, a vice-governor, and an executive council also elected indirectly. Over each

¹Poore, *Charters and Constitutions*, 1712-1727; Bancroft, *History of Mexico*, V 16-19; Yoakum, *History of Texas*, I 230. In this connection, see James Q. Dealey's article, *The Spanish Source of the Mexican Constitution of 1824*, THE QUARTERLY, III 161-169 (January, 1900). Professor Dealey seeks to show that the constitution of 1824 was influenced more by the Spanish constitution of 1812 than by the constitution of the United States.

²By the *Acta Constitutiva* seventeen states were provided for, Coahuila, Texas, and Nuevo Leon together forming one. By a decree of May 7, 1824, Nuevo Leon was separated from the other two. (Dublan y Lozano, *Leyislación Mexicana*, I 693, 706.)

³Poore, *Charters and Constitutions*, 1727-1747.

of the three departments was to be a political chief, and each municipality¹ was to be governed in local affairs by an *ayuntamiento*, consisting of one or more *alcaldes* and *syndics* and a board of aldermen elected indirectly by the people. Article 192 states that "one of the principal subjects for the attention of Congress shall be to establish in criminal cases the trial by jury," and to gradually extend it to civil cases. There was an effort made to carry out this provision, at least so far as Texas was concerned, by Decree Number 277 of April 17, 1834, which gave Texas a special judicial system and established trial by jury. This is mentioned merely because it is so frequently alleged that the state refused to make any effort to satisfy the demands of the Texans. In this connection reference might also be made to the attempts of the state to establish a public school system.² The first governor under the new constitution was José Maria Viesca.

Before returning to the complications of the central government a few words should be said in regard to the Anglo-American settlement of Texas. The first American colony was planted on a tract of land along the Brazos river granted to Moses Austin by the Spanish government, January 17, 1821. Austin died in June, and his son, Stephen F. Austin, brought out the first colonists in December. The overthrow of Spanish rule and the subsequent changes in the government already referred to, made it necessary for Austin to go to the City of Mexico for a confirmation of his grant. The work of colonization proceeded rapidly in spite of the fact that all colonists were required to accept the Catholic religion. According to Brown there were twenty-six *empresario* grants made between April 14, 1823, and May 11, 1832.³

II.

THE SUBVERSION OF THE CONSTITUTION OF 1824.

It is unnecessary to detail the many changes which took place in the federal government. Suffice it to say that, in 1829, Guerrero became president, after defeating Pedraza, who had been rightfully

¹The municipality was a subdivision of the department.

²*Laws of Coahuila and Texas*, Decrees Number 92 and 128.

³*History of Texas*, I 118. An *empresario* was a man who received a tract of land from the government under a contract to settle it with a certain number of colonists.

elected, and Bustamente became vice-president. Taking advantage of a Spanish invasion, Bustamente overthrew Guerrero and established a despotism. His decree of April 6, 1830, prohibiting the further settlement of Americans in Texas caused dissatisfaction among the colonists, as did also the arbitrary conduct of Bradburn, one of his officers stationed at Anahuac on Galveston Bay. The result was that when Santa Anna took up arms in favor of liberalism and against Bustamente, the Texans supported the former. The two leaders compromised by restoring the exiled Pedraza to the presidential chair, December 26, 1832.

In the meantime the dissatisfaction among the Texans was increasing. The decree of May 7, 1824, provided that Texas should become a separate State as soon as its population warranted. Many of the settlers now believed that the time had come, especially since they had many grievances against the state government. A convention to consider these grievances met at San Felipe de Austin in October, 1832, and adjourned after a few days to meet the following April. At this meeting a constitution and a memorial to the Mexican congress were drawn up.¹ Stephen F. Austin was appointed to carry the memorial to the City of Mexico. He arrived there at the time when Santa Anna was rising into prominence. Meeting with ill success and being thrown into prison because of an intercepted letter, Austin did not return to Texas until September, 1835. It is very likely that Santa Anna consented to his release then only because he believed that Austin would use his influence to quell the rebellious spirit among the colonists.² The crafty Mexican sent expressions of kind regard to the Texans, but gave no practical answer to the memorial.

Santa Anna soon succeeded in gaining complete control over the government and at once showed his intention to overthrow the federal system. The congress of 1835 was a pliant tool in his hands. Among its acts were a decree diminishing the number of the militia

¹The journals of this meeting of 1833 have been lost or destroyed. Copies of the memorial and constitution will be found in Edward, *History of Texas*, 196-210. The influence of the bank controversy then going on in the United States is shown in Article 30, which forbids the establishment of banks.

²He had performed such a service to the central government during the Fredonian revolt in 1827.

and disarming the remainder of the inhabitants, another banishing Gomez Farias, the leader of the republicans, and a third declaring Zacatecas, which had refused to adhere to the centralist program, in rebellion. The last mentioned decree was mercilessly acted upon by Santa Anna himself. In Coahuila the two parties of centralists and federalists were very much influenced by local considerations. By a decree of March 9, 1833, the capital had been removed from Saltillo to Monclova, and since that time there had been continual rivalry between the two cities. The government at Monclova issued a protest against the high-handed policy of the president, but the people of Saltillo welcomed the change and gave active assistance to General Cos when he was sent by Santa Anna to overthrow the state government. Governor Viesca, driven from Monclova, attempted to establish a government with headquarters at Bexar. A large party among the Texans were so angry at the reckless squandering of public lands by the state that they refused to support the governor, preferring rather to make their peace with Santa Anna and even consenting to the centralist program, if they might only avoid war. The war party, on the other hand, was in favor of overlooking all minor differences and joining with the followers of Viesca to overthrow Santa Anna and re-establish the constitution of 1824.

The first outbreak of hostilities came in June, 1835, when William Barrett Travis with a small body of men ejected Tenorio, collector of the port, from Anahuac on Galveston Bay. The peace party condemned this act, and, at a meeting at San Felipe, July 17th, appointed Edward Gritton and D. C. Barrett to proceed to Matamoras and assure General Cos of the loyalty of the Texans and of their condemnation of the recent outrage.¹ Both went to Bexar and had a conference with Colonel Ugartechea, lieutenant of General Cos. Mr. Gritton then returned to San Felipe for further instructions. The two were to meet at Goliad and go on to Matamoras. But the San Felipe meeting had dissolved, and for lack of further instructions the mission was abandoned.

With fresh aggressions on the part of the centralists the war party continually grew in strength. The necessity of union and organization early made itself felt, and committees of safety and

¹Gritton and Barrett afterwards became involved in the quarrel between Smith and the council, and it is important to bear in mind this mission to Cos, as it is made the basis of serious charges against them.

correspondence were formed in the various municipalities. These remind us very much of the committees of correspondence which preceded the American War of Independence. The first committee was organized May 8, 1835, at Mina, now Bastrop, and D. C. Barrett was an active member.¹ Later on, when charges of disloyalty were made against him, this fact seems to have been forgotten.

Various other settlements followed the lead of Mina, and a further step in the process of union was taken August 20th, when the committee of Columbia issued an address to the people of Texas "requesting them to coöperate in the call for a consultation of all Texas."² The address was sent throughout the country, and, on October 5th, elections were held in each municipality to select delegates to meet at the town of Washington on the 15th of the month.

Affairs now moved on rapidly. General Cos invaded Texas early in September, and, acting under instructions from him, Colonel Ugartechea ordered the people at Gonzales to surrender a cannon which they had in their possession. The alcalde of the town refused to give it up and applied to the committee of safety at Mina for aid. The application was forwarded to the central committee at San Felipe. Stephen F. Austin, who had recently returned from captivity in Mexico, advised the people to retain the disputed gun and promised them assistance.³ A repulse of the Mexicans sent to take the cannon aroused considerable enthusiasm, and volunteers arrived in such numbers as to suggest the idea of an attack on Bexar. General Houston was elected to the command of the troops in the department of Nacogdoches on the 8th of October.⁴ On the same day Austin left San Felipe and, arriving at Gonzales, was

¹Yoakum, *History of Texas*, I 337.

²*Journal of the Consultation*, 4. The word *consultation* was used instead of *convention* because it was believed that the Mexican officials would object to the latter, as "savoring too much of revolution." Thrall, *History of Texas*, 206.

³Kennedy, *Republic of Texas*, II 105-106.

⁴Yoakum, *History of Texas*, I 367. A decree issued by the state government, March 18, 1834, had divided the present territory of Texas into the three departments of Bexar, Brazos, and Nacogdoches. *Laws of Coahuila and Texas*, Decree No. 270.

elected commander-in-chief of the troops stationed there on the 11th, and on the 13th took up his line of march for Bexar.¹

Meanwhile Santa Anna had issued the famous decree of October 3, 1835, dissolving the constitutional state governments and providing for an administration by a governor and departmental council directly responsible to the central government at the City of Mexico.

III.

THE CONSULTATION.

In accordance with the call of the committee of Columbia, the Consultation met at San Felipe de Austin on the 16th of October, 1835. R. R. Royall was elected chairman, and Samuel Whiting secretary. An adjournment was then taken till the next day, when the following preamble and resolutions were adopted:

"Whereas, there is not a sufficient number of members present to form a quorum of the Consultation, owing to the members being absent in the army, therefore be it

"Resolved, That the members present adjourn until the first day of next month or as soon as a quorum can meet at this place so as to afford an opportunity, to those who may desire, to join the army in defense of their country.

"Resolved, That those who can not join the army may remain here with permission to unite with the Council of Texas² and have access to all the intelligence in possession of the council relative to the present crisis.

"Resolved, That they be requested to transmit all the information of importance to the several municipalities of which they have been delegated—and whatever else which is right they ought to do."³

¹*Telegraph and Register* (published at San Felipe), issues of October 10th and 17th, 1835.

²This council, which is sometimes called the Permanent Council and sometimes the General Council, should not be mistaken for the General Council of the Provisional Government. It was a temporary body organized early in October at San Felipe, and had really no authority from the people, though it assumed considerable powers. R. R. Royall was president of it.

³MS., Archives of the Republic, in office of Secretary of State.

The Consultation met again on November 1st, but failed of a quorum until the 3d. On that day it organized by electing B. T. Archer president, and P. B. Dexter secretary. On taking the chair, Dr. Archer delivered an eloquent address in which he advised a declaration setting forth to the world the causes which impelled the Texans to take up arms and the objects for which they fought. He suggested the establishment of a provisional government consisting of a governor, lieutenant governor, and council, clothed with wide legislative and executive powers. The organization of the militia, the conclusion of a treaty with the Cherokee Indians, and the establishment of a mail service, were also recommended. In conclusion, he said: "I do not view the cause in which we are engaged as that of freemen fighting alone against military despotism; I do not view it as Texas battling alone for her rights and liberties; I view it in a nobler, more exalted light; I view it as the great work of laying the corner-stone of liberty in the great Mexican Republic."¹ From these words it would seem that even Dr. Archer, who afterwards contended so zealously for independence, was not then in favor of an absolute separation from Mexico.

Mr. Royall next presented a report from the so-called Permanent Council, of which he had been president. They had established mail routes, closed the land offices, appointed an army contractor, sent an address to the people of the United States, and appointed Thomas F. McKinney an agent to borrow \$100,000.²

On Mr. Royall's motion, a committee of twelve, composed of one member from each jurisdiction, was appointed to make a declaration setting "forth to the world the causes which have impelled us to take up arms, and the objects for which we fight." The chair appointed:

From Columbia, J. A. Wharton.

From Austin, William Menifce.

From Matagorda, R. R. Royall.

From Harrisburg, L. de Zavala.

From Washington, Asa Mitchell.

¹*Journal of Consultation*, 6-9.

²*Ibid.*, 10-12. Thomas F. McKinney, of the firm of McKinney & Williams, Velasco, was a devoted friend of the Texans in their struggle for independence. The first real cause of difference between Governor Smith and the council was over the confirmation of his appointment as agent.

From Gonzales, W. S. Fisher.
From Mina, R. M. Williamson.
From Nacogdoches, Sam Houston.
From San Augustine, A. Huston.
From Bevil, W. Hanks.
From Liberty, H. Millard.
From Viesca, S. T. Allen.

From this list, as well as from the general list of delegates present, it will be seen that only twelve municipalities were represented on November 3d. This fact should be borne in mind, as it may have some bearing on the question of a quorum in the council, raised at a later time.

Discussion arose on November 5th over the nature of the declaration to be adopted by the committee. There is a tradition, and Mr. Williams in his *Life of Houston* states it as a fact, that a declaration in favor of absolute independence was passed, and that General Houston, after prevailing upon some one who had voted for it to move a reconsideration, made a powerful speech against it and the matter was defeated.¹ The journal of the Consultation, however, makes no mention of this whatever, and, so far as I know, there is no documentary evidence to sustain the statement. If it be true, it is probable that the matter was kept out of the journals for fear of alienating the Liberal party among the Mexicans. The journal, however, does say that "Mr. S. Houston offered a resolution instructing the committee of twelve to draw a declaration in favor of the constitution of 1824, which was opposed by Mr. Wharton and withdrawn by the mover."² Mr. J. W. Robinson, afterwards lieutenant-governor, spoke in favor of independence, and Mr. D. C. Barrett in opposition.

The discussion was continued on November 6th, and the question was finally put in the following form by Mr. Houston: "All in favor of a provisional government upon the principles of the constitution of 1824 will say aye." The vote resulted in ayes thirty-three, nays fourteen. Mr. Wood moved to enter the ayes and nays on the journal, but, after some remarks had been made by Mr. Wharton, withdrew it.³

¹Williams, *Life of Houston*, 120.

²*Journal of the Consultation*, 17.

³*Ibid.*, 18-20.

The committee, with Mr. Wharton as chairman, appointed to draw up a declaration, reported on the 7th, and the declaration was submitted section by section. On the reading of the first section, Mr. Parker moved that the word "republican" should be inserted before "principles." This was agreed to, and the various sections were unanimously adopted as follows:

"WHEREAS, General Antonio Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy—Now, the good people of Texas, availing themselves of their natural rights, solemnly declare:

"First, That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico of 1824.

"Second, That Texas is no longer, morally or civilly, bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism.

"Third, That they do not acknowledge that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

"Fourth, That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

"Fifth, That they hold it to be their right, during the disorganization of the federal system and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.¹

¹Austin, in arguing at a later time against an absolute declaration of independence, held, that "should the Federal system fall, the fifth article is a declaration of independence as a matter of course." Letter of December 14th, 1835, to the provisional government. MS., State Archives.

"Sixth, That Texas is responsible for the expenses of her armies now in the field.

"Seventh, That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

"Eighth, That she will reward by donations in land, all who volunteer their services in her present struggle and receive them as citizens.

"These declarations we solemnly avow to the world, and call God to witness their truth and sincerity; and invoke defeat and disgrace upon our heads should we prove guilty of duplicity."¹

On motion of Mr. Houston all the members present on November 8th signed the declaration. In addition to the conservative wording of this document itself, there is other evidence to show the general feeling of the members of the Consultation in regard to the relation which Texas should sustain to the Mexican government. Thus certain papers from sympathizers in New Orleans were laid before the Consultation, and the letter in reply contained the expression, "To defend the rights guaranteed by the constitution of 1824." Furthermore, on motion of Mr. Barrett, Lorenzo de Zavala was requested to translate the declaration into Spanish for circulation among "our Mexican fellow citizens of the republic."²

The final vote on the declaration, thirty-three to fourteen, shows, however, that some of the members were in favor of an absolute declaration of independence. Doubtless, too, many of the thirty-three believed that independence must come and voted as they did purely on the ground of expediency, thinking that thereby the Texans would get aid from the Liberals in Mexico and impress the civilized world that they were fighting for constitutional liberty.

¹*Ordinances and Decrees of the Consultation, Provisional Government, and Convention*, 3-4. This provisional declaration is given by Poore, *Charters and Constitutions*, 1752-1753. He erroneously calls it the Declaration of Independence, dates it March 2nd, 1836, and attaches to it the signatures of Richard Ellis, president, and A. H. S. Kimble, secretary. These gentlemen did hold those positions in the Washington Convention of March, 1836, and did so sign the real Declaration of Independence found in all of our Texas histories. The document quoted above, however, was passed by the Consultation at San Felipe, November 7th, 1835, and was signed by all the members present. Dr. Garrison, of the University of Texas, in the *Nation* of September 16th, 1897, called public attention to this error on the part of Mr. Poore.

²*Journal of the Consultation*, 23-26.

During the subsequent struggle many patriotic men continued to believe that this was the best course to pursue. Stephen F. Austin was one of its most ardent advocates until he went to New Orleans in January, 1836, and learned that public sentiment in the United States demanded an absolute declaration.¹ The advocates of the one policy, among whom was the council of the provisional government, looked largely to the Liberal Mexicans for support and consequently wished to carry the war into Mexico. The advocates of the other distrusted the Mexicans, opposed the invasion of their country, and looked to the United States for help. Governor Smith approved of this plan of action. This difference of view was the real cause of the controversy between the governor and council. D. C. Barrett, of Mina, the leader of the opposition to the governor, was a thorough partisan of the conservative policy and clung to it zealously even after it was evident that Liberalism had been crushed out in Mexico.

Immediately after the adoption of the declaration of November 7th, the following committee was appointed to draft a plan for a provisional government: Messrs. Millard, Jones, Wilson, Dyer, Hoxie, Lester, H. Smith, Arrington, Thompson, Robinson, Everitt, and A. Huston.² Two days later Mr. Millard informed the Consultation that the business had been entrusted to two subcommittees, which were ready to report through their respective chairmen. Mr. Henry Smith read the plan for the civil department of the government, and Mr. A. Huston the plan for the military. The preamble of Smith's report was stricken out on motion of Mr. Barrett. The journal does not indicate the nature of Barrett's objections, but it is possible that the preamble was too independent in tone. The entire report was referred to a new committee, of which Barrett was chairman. The other members were Messrs. Hanks, Williamson, Parker, and Zavala.³ This little incident may be partly the cause of the subsequent ill-feeling that existed between Smith and Barrett.

The committee of five made its report on the 10th, and the house

¹Austin to the provisional government, December 14th, and December 22nd; Commissioners to the United States to Governor Smith, January 10th, 1836. MSS., State Archives.

²*Journal of the Consultation*, 23.

³*Ibid.*, 27-31.

went into committee of the whole to consider it. After a short sitting they reported favorably on Barrett's plan. On the following day the Consultation took up the report of the committee of the whole and read and adopted the plan section by section.

The document thus adopted as the organic law of Texas consisted of twenty-one articles.¹ The provisional government was to consist of a governor and lieutenant-governor elected by the Consultation as a whole, and a general council composed of one member from each municipality, elected by the separate delegations. The powers and duties of these officials were given in some detail, but many questions were left in uncertainty. In the first place, the relations between the governor and council were not clearly expressed. Although Article Four "clothes the Governor with full and ample executive power," it goes on to say that he shall have "full power by himself, by and with the consent of the council," to perform certain executive functions therein enumerated. Article Three, moreover, states that one of the duties of the council is to "advise and assist the Governor in the discharge of his functions." From this it would seem that the council was to serve as a kind of executive or administrative board. Serving in this capacity it should have been presided over by the governor himself, and there would have been no need for a lieutenant-governor. But the council also had almost unlimited legislative powers.²

The governor, however, regarded himself as the executive, *par excellence*, and the council as a purely legislative assembly. Thus, in his very first message, he styles himself, "the Supreme Executive," and the council is always addressed as "the Legislative Council."³

Among other provisions that became important at a later period are those to the effect that officers should be appointed by the gen-

¹*Ordinances and Decees of the Consultation, Provisional Government, and Convention*, 4-10. A copy will be found in Poore, *Charters and Constitutions*, 1747-1751.

²"They shall pass no laws except such as, in their opinion, the emergency of the country requires" (Art. 3),—a limitation so qualified as to be of no value whatever.

³Messages, MSS., State Archives.

eral council and commissioned by the governor,¹ and that they should take an oath to support "the republican principles of the constitution of 1824" and to "obey the Declarations and Ordinances of the Consultation."² The eleventh article provided that when charges were preferred against any officer of the provisional government for malfeasance or misconduct in office, he was to be tried before the council and if he was found guilty by a two-thirds vote he was to be dismissed from office by the governor. Two-thirds of the members-elect of the council were to constitute a quorum to do business.

Thus far the discussion has been confined to the legislative and executive departments with special reference to those provisions which throw light upon the subsequent controversies. Articles 5, 6, and 7 established a judicial system. In each municipality two judges, a first and a second, were to be nominated by the council and commissioned by the governor. The second judge was to act only in the absence or inability of the first. These judges were to have jurisdiction over all crimes and misdemeanors recognized by the common law of England, were to possess full testamentary powers, were to constitute a court of record for conveyances and to serve as notaries public. Jury trial was provided for, and the procedure in criminal cases was based upon the common law of England. In general then the common law of England was followed, but the judges were empowered "to grant writs of sequestration, attachment, or arrest, in all cases established by the civil code or code of practice of the State of Louisiana, to be regulated by the forms thereof."

The land offices were closed and provision was made for the appointment of persons to take charge of the records. The political chiefs of the three departments of Nacogdoches, Brazos, and Bexar were ordered to cease their functions and transmit the departmental archives to the governor and council. The munici-

¹Article 8. This article became of considerable importance, on December 17th, when the governor assumed the power of vetoing appointments made by the council.

²Article 10. The second article of the declaration of November 7th pledged aid to the Mexican Liberals in the interior. The council, at a later date, made the refusal of the governor to obey this article the basis of a charge of "official perjury."

palities were authorized to continue to elect their alcaldes and other local officials.

The provisional government was to go into operation immediately after the adjournment of the Consultation and continue until the Consultation reassembled, or until other delegates were elected and a new government was established.

After the adoption of the plan for the formation of the government, the report on the military department was read and adopted. This document consists of twelve articles.¹ A regular army was to be created consisting of eleven hundred and twenty men enlisted for two years, or for and during the continuance of hostilities. One major-general, who was to be commander-in-chief of all the forces called into the public service during the war, was to be elected by the Consultation and commissioned by the governor. He was to be subject to the orders of the governor and council.² His staff was to consist of an adjutant-general, an inspector-general, a quartermaster-general, a paymaster-general, a surgeon-general, and four aids-de-camp, appointed by the major-general and commissioned by the governor. While in the field the army was to be governed by the rules, regulations, and discipline of the army of the United States.

The last three articles provided for the organization of the militia. All able-bodied men between the ages of sixteen and fifty were to be subject to military duty. They were required to assemble in their respective municipalities on the 3d of December and elect a captain and two lieutenants for every fifty-six men. If there were as many as five companies in a municipality they constituted a regiment. Militia officers received their commissions from the governor.

The important part of the plan is that dealing with the regular army. It gives in general outline the methods to be followed in the organization of the army and leaves the details to the provisional government. The constant quarrels between the governor and council, however, tended to delay this all-important work.

¹MS., State Archives. Copies will be found in Poore, *Charters and Constitutions*, 1751-1752, and in Kennedy, *Republic of Texas*, II 495-497.

²Article 4. This provision became important later on when the commander-in-chief refused to obey the orders of the council.

The fact must be kept in mind that this plan referred entirely to a regular army to be created at some time in the future and had nothing to do with the volunteer force then carrying on a campaign around San Antonio de Bexar under the command of General Austin. As a matter of fact the Consultation adopted a committee report on November 13th in which it was expressly declared that it had no control over the volunteer army. The distinction between the regular and volunteer armies and the powers of the major-general were never very clearly defined, and much of the subsequent trouble was due to this confusion.

After attending to some business of minor importance, the Consultation proceeded, on November 12th, to elect officers for the provisional government. Mr. Martin nominated Stephen F. Austin for governor, and Mr. Parmer nominated Henry Smith. Mr. Everitt nominated J. W. Robinson for lieutenant-governor. The vote stood:

Smith	31
Austin	22
Robinson	52

On motion of M. W. Smith, Sam Houston was elected major-general of the armies of Texas. On motion of Mr. A. Huston, it was resolved that three commissioners should be appointed by the house as agents to the United States. B. T. Archer, W. H. Wharton, and Stephen F. Austin were elected. The following council was then chosen by the various delegations present:

Austin, William Meniffee.
 Nacogdoches, Daniel Parker.
 San Augustine, A. Huston.
 Washington, Jesse Grimes.
 Viesca, A. G. Perry.
 Mina, D. C. Barrett.
 Liberty, Henry Millard.
 Tenehaw, Martin Parmer.¹
 Gonzales, J. D. Clements.
 Matagorda, R. R. Royall.

¹Mr. Parmer was originally elected to the Consultation as a delegate from San Augustine. When the municipality of Tenehaw was created on November 11th, he became its representative. *Journal of the Consultation*, 32-35.

Harrisburg, W. P. Harris.

Columbia, E. Waller.

Bevil, W. Hanks.

On motion of Mr. Waller, the name of the municipality of Columbia was changed to Brazoria, and the seat of government was removed from the town of Columbia to the town of Brazoria. Brazoria had been the original seat of government, but a decree of the state government issued in March, 1834, had made the removal and changed the name of the municipality.¹

The Consultation now resolved not to consider any further business upon which the governor and council could act. It was also ordered that a messenger should be sent to the volunteer army then before Bexar to request General Austin to report immediately to the provisional government and secure his commission as agent to the United States.²

On November 13th, Mr. Barrett, chairman of the committee to which had been referred certain documents received from the army before Bexar, reported. The committee stated that it had certain subjects to refer to the Consultation. The first related to the granting of letters of marque and reprisal. The report then proceeded as follows:

"The second contemplates an expedition from New Orleans against Matamoros. This subject your committee regard as important, and concur with the views of the commanding general³ as to its certain effects, of crippling the enemy and distracting his movements. Your committee, however, from documents now in their possession, have it in their power to inform this house, that a small force, of one hundred and fifty men, commanded by General Mexia, armed and equipped at his own expense, has sailed from New Orleans for the port of Tampico or Matamoros,⁴ and that a descent upon that quarter, from whatever source, in the

¹*Laws and Decrees of Coahuila and Texas*, No. 283, p. 274.

²This synopsis of the proceedings for November 12th is taken from the *Journal of the Consultation*, 35-39.

³Stephen F. Austin.

⁴Gen. Mexia, a leader of the Mexican liberals, had been a partisan of Santa Anna in his struggle against Bustamente in 1832. Now, however, that Santa Anna had overthrown the Federal system, Mexia was his bitter antagonist. The expedition referred to above was an utter failure. On

opinion of your committee, will produce the consequences of annoying the enemy at an unexpected point, and prevent reinforcements being sent to Bexar. Should further operations hereafter seem expedient, in aiding the enterprise of General Mexia, it enters into the duties of the governor and council of Texas."

The next two sections recommend a vote of thanks to Major Belton, of the United States army, for offering his services as inspector of arms and ammunition, and to Stephen F. Austin, James W. Fannin, and Benjamin F. Smith, for placing their land and property at the disposal of the house to be used in raising funds for the common good. The final section is as follows:

"Your committee before closing their report, would respectfully call the attention of this house to the army now in the field. This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house; and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the provisional government; advisory communications are all that can be made to them; nevertheless, your committee recommends that every honorable inducement should be held out for their continuance in their country's service, at any rate until a regular army be ready to take the field, should Bexar so long hold out against their efforts.

* * *¹

By adopting this report the Consultation put the stamp of its approval upon the plan for an expedition against Matamoros and admitted that neither it nor the provisional government which it created had any control over the volunteer army.

The Consultation adjourned on November 14th with the understanding that on November 6th, 1835, Mexia sailed from New Orleans to Tampico with about one hundred and thirty men, mostly Americans, but with a considerable number of French and Germans, who imagined that they were going to one of the Texas ports as emigrants. They reached Tampico about November 15th, and the men were given arms by Gen. Mexia, and told that they were expected to assist in conquering the town. An uprising of the people in their favor was expected, but it failed to take place. The general and a portion of his force escaped and made their way to Texas, but the rest were captured and executed. Yoakum, *History of Texas*, II 36-37.

¹MS., State Archives. The proceedings of this day, November 13th, are summarized from the *Journal*, 42-53.

standing that it was to convene again on the 1st of March unless called together sooner by the governor and council.

IV.

BEGINNING OF STRIFE BETWEEN THE GOVERNOR AND COUNCIL.

Before going into a detailed account of the doings of the general council, which met for the first time on November 14th, it will be necessary to give a brief description of the campaign then going on around San Antonio de Bexar. After defeating the enemy at Gonzales on October 1st, the volunteer army took up its march for Bexar on the 13th under the command of General Austin. The intention was to storm that stronghold, then held by a large force of Mexicans under General Cos. On the 20th the army reached Salado Creek, some five miles from its destination. A few days later General Austin sent forward Colonel Bowie and Capt. J. W. Fannin with a small detachment of men to reconnoitre the old missions near the town and secure a suitable camping place for the army. They slept near the mission of Concepcion on the night of the 27th and awoke the next morning to find themselves surrounded by about four hundred Mexicans. The Texans took their stand in the river bottom and repulsed the enemy in spite of their superiority in numbers.¹ This success, known as the battle of Concepcion, filled the army with enthusiasm and some were anxious to attack Bexar at once. The majority of the officers, however, regarded such an attempt as impracticable at that time, and it was abandoned.²

The army spent the month of November in idleness. An occasional skirmish with the enemy was all that there was to relieve the monotony of the camp. Seeing the dissatisfaction that was arising and realizing that provisions were becoming scarce, Austin issued an order, November 21st, for the storming of Bexar on the following morning. Brown states that the matter was submitted to a vote of the soldiers, and as a majority of them opposed the plan the order was countermanded.³

On November 24th, Austin left the army for San Felipe in order

¹Bancroft, *North Mexican States and Texas*, II 176.

²Brown, *History of Texas*, I 373.

³Ibid., 402-403.

to receive his commission and join his colleagues in their mission to the United States. A number of the men left the army at the same time to go to their homes. The remainder, among whom was a company from New Orleans known as the Greys, elected Colonel Burleson to succeed Austin as commander-in-chief. Burleson appointed Frank W. Johnson as his adjutant-general,¹ and Peter W. Grayson and William T. Austin his aids-de-camp.

The aggressive force of the Texans was not confined entirely to the so-called volunteer army. Thus, a small band of fifty colonists under Captain George Collinsworth attacked the post of La Bahia (Goliad) on the 8th of October and compelled it to surrender. Lieutenant-Colonel Sandoval and the other officers captured were sent to San Felipe, where they gave no little trouble to the Consultation and later to the provisional government. Captain Collinsworth now joined the main army on its march to Bexar and left Captain Dimit in command at Goliad. On November 3d, Captain Dimit sent out a detachment under Adjutant Westover to attack the Mexican garrison at Lipantitlan, a small place on the Nueces River above San Patricio. Westover succeeded in capturing one party of Mexicans and routing another before returning to Goliad.

Just ten days before the election of General Burleson as commander-in-chief on November 24th, the Consultation had adjourned and the provisional government had gone into operation.

The general council held its first meeting at 2 p. m. on November 14, 1835, Lieutenant-Governor Robinson in the chair. The following members were present:

Austin, Wylie Martin.
Nacogdoches, Daniel Parker.
San Augustine, A. Huston.
Washington, Jesse Grimes.
Viesca, A. G. Perry.
Mina, D. C. Barrett.
Liberty, Henry Millard.
Tenehaw, Martin Parmer.
Gonzales, J. D. Clements.

¹As second in command, Johnson would of course become head of the army on the retirement of General Burleson. This fact should be kept in mind, since Johnson's authority was questioned at a later time.

Matagorda, Chas. Wilson.
Harrisburg, W. P. Harris.
Brazoria, John A. Wharton.
Bevil, Wyatt Hanks.
Jefferson, Claiborne West.
Guadalupe Victoria, J. A. Padilla.¹

The governor sent in his first message to the council on November 16th. In the opening sentence he called himself, "the supreme executive of the free and sovereign state of Texas."² The members were urged to be morally courageous, to provide for the army, to raise a company of rangers, establish a revenue system, organize the militia, and locate the seat of government.³

The following standing committees were appointed: on military affairs—Wharton, A. Huston, and Hanks; on affairs of state and judiciary—Barrett, Padilla, and Parker; on naval affairs—Perry, Harris, and West; on land and Indian affairs—Martin, Parmer, and Grimes; on finance—Millard, Wilson, and Clements.⁴

On November 17th it was decided by a vote of eight to six that the seat of government should be removed to Washington. This was incorporated in the sixth section of an ordinance, passed the next day, entitled "An ordinance creating the offices of treasurer, secretary to the executive, and clerks to the several committees."

The council, on the morning of the 20th, passed "An ordinance declaring the mode of passing, signing, and publishing the ordinances, decrees, and resolutions of the provisional government of

¹The two municipalities last mentioned had no representatives in the Consultation when the elections were held on November 12th. This makes the total number of municipalities represented in the council fifteen, consisting of the twelve represented at the beginning of the Consultation, the new one created on November 11th (Tenehaw), and the last two in the list given, whose representatives arrived after the 12th. Two-thirds of the total number, that is to say, ten members, constituted a quorum.

²On January 12th, 1836, when preferring charges and specifications against the governor, the council accused him of acting, in the use of the above expression, "contrary to the republican principles of the Federal constitution of Mexico of 124." *Journal*, 303.

³*Journal of the General Council*, 12-15.

⁴*Ibid.*, 17-18.

Texas." This provided that ordinances passed by the council must be acted upon by the governor within three days, or else they would become laws without his signature. If he returned them with his objections within the specified time, a two-thirds vote could override his veto. A peculiar feature to be noted here is that the organic law adopted on November 11th did not give the governor any veto power at all. Hence the only such power possessed by him was derived from this ordinance, which mentions it in a matter of fact manner. Strange to say, Smith actually vetoed the very measure which conferred the power upon him and the council sustained his objections. He wished the law amended so that bills would be subject to his consideration for three days after their reception in his office instead of three days after passage.¹

Objection was also made to the ordinance of November 18th, creating certain offices under the provisional government, on the ground that the salaries of the officials were much too high, considering the impoverished condition of the country. The sixth section of the bill, removing the government to Washington, likewise failed to meet his approval. The ordinance was taken up the next day, November 21st, but did not pass over the veto, although four of the members voted for the sixth section.² This is the first indication of any difference of opinion between Smith and the council, and in this case there is no evidence of ill feeling.

An ordinance of the 21st, authorizing Thomas F. McKinney, of Velasco, to borrow \$100,000 for the public service, seems to have caused the first breach of friendly relations.³ The so-called "Council of Texas," of which Mr. Royall was president, had, on October 27th, authorized McKinney to make this loan, and the Consultation had approved its acts. Consequently the council was simply confirming authority already granted.

Governor Smith kept the ordinance the full three days allowed him by law, and then returned it with his objections. He stated that as agents had already been appointed by the Consultation to proceed to the United States the proposed mission of Mr. McKinney would be an encroachment on their powers. In conclusion, the

¹*Journal of the General Council*, 35-36.

²*Ibid.*, 37-38, 43-44.

³*Ordinances and Decrees of the Constitution, Provisional Government, and Convention*, 18.

council was exhorted to make out instructions for these agents. Either this objection failed to appeal to the council, or else it was becoming tired of the governor's continual exercise of the veto power. At any rate, on motion of D. C. Barrett, it took the ordinance under consideration, and by unanimous vote passed it over the veto.¹

During the three days interval in which the McKinney ordinance was lying in the governor's office the council was attending to ordinary business. On the 22d, Mr. Power was received as a member from Refugio. This municipality had not been actually represented in the Consultation, although it had elected delegates. The council examined the credentials of these delegates before allowing Mr. Power to take his seat. This procedure was in accordance with the first article of the organic law, which provided that members of the council must be chosen from among the delegates to the Consultation.² A similar course was pursued in the case of Goliad, and on the 23d Mr. Ira Westover, representing that municipality, was admitted to the council.³ The addition of these two municipalities brought the total up to seventeen, although the entire number was never represented at any one time. According to the opinion of some, notably General Houston,⁴ it would have required two-thirds of seventeen, that is to say, at least twelve members, to constitute a quorum. The organic law, however, states in Article Three that "two-thirds of the members-elect shall form a quorum to do business." The term "members-elect" would of course include only those actually elected who had not resigned.

The legislation during the interval from the 21st to the 24th was mainly directed toward the organization of the army and navy. On November 21st, Mr. Wharton introduced an ordinance to raise a regular army in accordance with the military plan adopted by the Consultation on November 11th. It was to consist of one regiment of artillery of 560 men and one regiment of infantry of 560. The pay and rations of the army were fixed, and United States

¹*Journal of the General Council*, 50-51, 53.

²*Ibid.*, 45.

³*Ibid.*, 46.

⁴Houston to Smith, January 30th, 1836. Yoakum, *History of Texas*, II 470.

army regulations adopted.¹ An ordinance was also passed on the 22d granting letters of marque and reprisal and establishing a navy.² The army ordinance was approved, but that for the navy met the usual fate. The governor objected that the privileges granted to privateers were too unbounded, the government taking all the responsibility without any share in the prizes likely to be captured. He said that if the section creating a navy had been embodied in a separate ordinance he would have approved it.³ In accordance with this advice, two separate measures were passed, one creating a navy, and the other granting letters of marque and reprisal with ample protection to the government.⁴ The governor sent in a message on November 27th, saying that he had approved the two bills, and that he had signed the McKinney ordinance, passed over his veto.

One other measure passed at this time should be mentioned, because of its subsequent importance. It will be remembered that on the 20th Smith vetoed an ordinance for creating certain provisional offices and removing the seat of government to Washington. On the 24th the council passed a new ordinance leaving out the clause in regard to the seat of government, and reducing the salaries of officials in accordance with the governor's advice. One clause of this law required that "All demands upon the Treasurer shall be upon the order of the General Council, approved and signed by the Governor and attested by the Secretary of the Executive."⁵ In other words, the consent of the governor was made necessary to the appropriation of public money. As we shall see, the council subsequently repealed this ordinance when it wished to vote money for an object of which the governor did not approve.

The closing days of November present no features of special interest. General Houston, commander-in-chief of the regular army, had established his headquarters at San Felipe. He urged the immediate organization of the army, and, on November 28th, officers for the infantry and ranger corps were elected.⁶ On the 30th,

¹*Ordinances and Decrees*, 21.

²*Journal of the General Council*, 45.

³*Ibid.*, 51-52.

⁴*Ibid.*, 55; *Ordinances and Decrees*, 23, 27.

⁵*Journal of the General Council*, 59; *Ordinances and Decrees*, 24.

⁶*Journal of the General Council*, 71-73. It is to be understood, of course, that these were regular army officers.

General Austin arrived direct from the volunteer army at Bexar, which place he had left on the 24th. He was invited to a seat within the bar of the council, and made a brief speech, stating that he had arrived on his way to the United States as commissioner, and that he was ready to do anything in his power for the good of the country.¹ Colonel Gonzales, a prominent Mexican republican and former officer in the army, also addressed the council and gave his views on public affairs.²

Mr. John McMullen, Mr. Bowers, and Mr. Ayres presented certificates of election as members of the Consultation from San Patricio, and on December 1st Mr. Ayres took his seat as a member of the council. This increased the total number of municipalities represented to eighteen.³

A brief summary of this chapter is necessary in order to obtain a clear view of the situation on December 1, 1835. The council had up to that time passed about twenty ordinances and decrees, over some of which there was a slight difference of opinion with the governor. An ordinance creating certain offices under the government was passed on November 18th, and vetoed by the governor on the 20th because of high salaries and the removal of the seat of government. Another ordinance, obviating the difficulties, passed on the 24th and approved on the 26th, required all orders on the treasurer to be approved and signed by the governor. An ordinance regulating the method of procedure in legislation was passed on the 20th, vetoed the same day, amended in conformity with the governor's objections, and approved on the 23d. An ordinance for granting letters of marque and reprisal and creating a navy was passed on the 22d and vetoed on the 24th, and separate ordinances for the two objects were passed on the 25th in accordance with the governor's request, and the two were approved on the 27th. In these cases, although the executive had exercised his veto power rather freely, there does not seem to have been any breach of friendly relations between him and the members of the council. It is to the McKinney ordinance, passed on the 21st, that we can trace the beginnings of discord. In his message of the 24th, objecting to the bill, the governor used moderate language and gave what

¹*Journal of the General Council*, 77.

²*Ibid.*, 79-80.

³*Ibid.*, 82-84.

were apparently sound reasons for his conduct. Still it seems fair to infer from the haste and unanimity with which the matter was passed over his veto, that either the council regarded his objections as unreasonable, or else some feeling of a personal nature must have existed.

V.

GONZALES, TREASURY, AND MEXIA TROUBLES.

Up to this time, December 1st, the chronological order of the journal has been followed. Henceforth it will be necessary for the sake of clearness to discuss the subject topically, by outlining the growth of the various differences between Governor Smith and the council. Although two or more of these controversies often occupied the attention of the government at once and to some extent reacted upon each other, nevertheless it will be advisable to treat them more or less separately in order to avoid confusion. There is, however, running through all the various complications one unifying element to which attention has already been called. The solution to the problem lies in a consideration of the different views of the two parties in regard to the relations which Texas should sustain toward the rest of Mexico. The members of the council, thoroughly in harmony with the declaration of November 7th and the organic law to which that body owed its existence, were in favor of fighting as Mexican citizens for a restoration of the federal system. Their policy, then, was to help the Mexican Liberals as much as possible, and to carry the war into the enemy's country. Smith, however, seems to have had in view the ultimate independence of Texas from the very first. He was accordingly opposed to helping the Liberal Mexicans restore the federal constitution of 1824 for the simple reason that he did not wish Texas to remain a part of Mexico, either centralized or federalized. This theory will serve to explain most of the differences, if not all. The matters over which they quarreled may be enumerated as follows: 1. the question of aiding Colonel Gonzales; 2. the manner of drawing drafts on the treasurer; 3. the relations with General Mexia; 4. the call of a convention; 5. the Barrett and Gritton appointments; 6. the Matamoros expedition. These have been arranged, as far as it could be done conveniently, in the chronological order of their beginnings.

Colonel José Maria Gonzales, a Mexican Liberal refugee, had

appeared before the council on November 30th and given his views on the volunteer army then besieging Bexar. A committee appointed to explain to him the nature of the provisional government reported, on December 1st, that Gonzales and his men were ready to join the army on the same terms as other volunteers, and the committee further recommended that five hundred dollars be advanced to assist him.¹ In accordance with this recommendation the council, on December 3d, appropriated the amount named.² Lieutenant-Colonel Sandoval, who had been captured at Goliad on October 8th and sent to San Felipe for safe-keeping, now expressed a desire to help the Texans and asked for permission to join Colonel Gonzales. The request was referred to the committee on military affairs. Its report, presented on December 6th, is of considerable importance as showing that in spite of the conservative attitude of the council as a whole, some few of its members were in favor of a declaration of independence. An extract is as follows:

"From the manner in which our most sacred and inalienable rights have been assailed and threatened by the Mexican government, and their treatment now towards us, and what we may expect in future, should they have the power; would have justified us, in making the declaration long ere this, *that we were absolved from all allegiance to or connection with said government.*"³

Meanwhile Gonzales had gone to Bexar, but Governor Smith wrote to General Burleson, on December 9th, to keep a careful watch on his movements, as he (Smith) had no confidence in Mexicans.⁴

Perhaps anticipating opposition from Smith in its program of assisting Mexican Liberals such as Gonzales and Mexia, the council passed a resolution, December 2d, changing the manner of drawing drafts on the treasurer. That part of the ordinance of November 24th which required the approval and signature of the governor was repealed and the signature of the chairman of the finance commit-

¹*Journal of the General Council*, 87.

²*Ibid.*, 93.

³MS. report, State Archives. The report was not adopted by the council nor entered in their journal. In fact, it was counter to the opinions of most of the members, and they were careful to keep it quiet. The italicised words are underscored in the manuscript.

⁴*Journal of the General Council*, 300, 305.

tee was made sufficient for all orders on the treasurer.¹ This would allow the council to vote money in secret session and draw on the treasurer for it without the governor's being any the wiser. The ordinance really went too far, however, and placed power in the hands of the finance committee that should have been retained by the entire council. Governor Smith called attention to this in his veto message of December 6th, and urged that, since they were without the proper functionaries of secretary and comptroller, as many checks and balances should be incorporated in their system as was possible without producing complexity.²

The ordinance was taken under consideration on December 10th and passed over the veto by a vote of twelve to two.³ Still the governor's objections made some impression. On the 11th a resolution was passed providing for a "Standing Committee of Public Accounts," whose duty it was to receive, audit, and register all accounts and report to the council twice a week.⁴ Finally, on December 26th, an ordinance was passed creating the offices of auditor and comptroller of the public accounts. This was a long step toward system and regularity, but Governor Smith vetoed the bill, basing his objections on certain phrases which he maintained were liable to misconstruction. Perhaps the real reason was that he was opposed to having the immediate supervision of all expenditures taken out of his hands. The council immediately passed the ordinance by a unanimous vote.⁵

The question of aiding General Mexia occupied the attention of the government during the month of December. The quarrel over this matter, on which the governor and the council had decidedly different views, reacted on the other differences and helped to widen the breach. Reference has already been made to Mexia's unsuccessful expedition against Tampico in the month of November and the recommendation of the Consultation to the effect that "should further operations hereafter seem expedient in aiding the enterprise of General Mexia it enters into the duties of the governor and

¹*Journal of the General Council*, 92; *Ordinances and Decrees*, 46-47.

²*Journal of the General Council*, 112-113.

³*Ibid.*, 133-134.

⁴*Ibid.*, 145.

⁵*Ibid.*, 227-228; *Ordinances and Decrees*, 99-104.

council of Texas." After his failure at Tampico, Mexia did not give up hope, but applied to the provisional government for aid in fitting out another expedition. Before the question came to a vote in the council, Captain Miracle, a Mexican Liberal refugee, arrived at San Felipe direct from the interior and gave important information relative to the movements of the Liberals. Some members of the council had a conversation with Miracle and reported in a secret session held on December 5th:

"That he left Mier on the Rio Grande the 19th ult. and was dispatched by Canales (a lawyer of talents and influence) and by Molano, formerly lieutenant-governor of the state of Tamaulipas, Tobar, formerly a senator of the federal party in congress, and several other men of influence who live in Matamoras and in other parts of Tamaulipas—

"The objects of his mission are to see the governors Viesca and Zavala and ascertain from them what was the character and intention of the revolution in Texas, for so many reports had reached there on this subject that they were in doubt—

"He states that Canales has two hundred men at a place called Palo Blanco this side of the Rio Grande within two days march of San Patricio on the Nueces—that Molano and Tobar who live in Matamoras have everything arranged with the principal inhabitants of that place to take up arms the moment all is ready—

"That the governor of the former state of Tamaulipas, Vital Fernandez, has an understanding with General Mexia to join the cause—that General Lemur and his brother and many others of the principal men of New Leon are also in the combination, and many of the officers who are now on the march against Texas—that the company of troops at Lipantitlan or San Patricio is also gained over and ready to join Gonzales or Canales when called on—

"He also says that the state of Jalisco (better known here by the name of Guadalajara) has refused to submit to the decree of the 3d of October last, and that General Montenegro of the liberal party had defeated General Paredas in Jalisco. Also that the people of Morilla had represented against it, and were ready to resist. * * *

"That Canales, Molano, Tobar, Lemur, and all the other liberals are only waiting to hear from Governors Viesca or Zavala, or both, as to the objects of the revolution in Texas—Should it be to sustain

the federal system, they will all unite and rise in mass—take Matamoros—attack the troops that are coming on against Texas—revolutionize the whole state of Tamaulipas—appropriate the proceeds of the custom houses of Matamoros and Tampico to the expenses of the war, etc.

“They all admit that Texas ought to declare independence in case the central government is firmly established, but that she ought first to make an effort, in union with the liberals, to save the federal system.

“Such in substance is the information given by Captain Miracle. He was an officer of the army at Zacatecas—is a Columbian by birth—Governor Viesca has confidence in him.”¹

It is not to be wondered at that the members of the council were considerably influenced by this glowing account of the strength of the Liberals in the interior, and became more determined than ever to carry out their program of restoring the federal system. Nor can we blame them for thenceforth holding, that the word “*independence*” was not to be spoken even in a whisper”; for, in case of a declaration of independence, this prospect of help would immediately fade away. The council was in this frame of mind when the resolution came up on December 6th authorizing “William Pettus, contractor for the volunteer army, in conjunction and with the advice of T. F. McKinney,” to fit out General Mexia “with the object of carrying the war into the enemy’s country.” General Mexia was required to report his plan of operation through Pettus to the provisional government. The ordinance was at once passed.

On December 9th, the following message from the governor was received:

“GENTLEMEN: I herewith transmit to your honorable body the

¹MS., State Archives. This report was read in secret session on December 5th, and referred to a select committee. Neither it nor the report of the committee is in the journal, and, so far as I know, they have never been published. A fragment of the latter is still preserved in the State Archives. It is in the same handwriting as the report here quoted, but without date or signature. The committee advised that copies of the declaration of November 7th should be sent to Governor Viesca, together with a letter assuring him that the object of the Texans was to sustain the federal constitution of 1824. The federalists were urged to make an immediate attack upon Matamoros, and the assistance of volunteers from Texas was promised.

following bills, which I have had under consideration. The one authorizing persons to be appointed to make provision for General Mexia, etc., as it stands, I can not approve, for the following reasons:

"First. I have no confidence in General Mexia's coöperating in the smallest degree in our favor. That his intention to make a descent on the seaports west of us is for the purpose of robbing, to recuperate his own desperate fortunes, I have no doubt; but can see no possible advantage he would be to Texas. What his designs or intentions really are, I have no right to know; but really think it would be unwise to run this government to the expense necessary to fit him out, without having any guarantee from or control over him or his conduct. Furthermore, as the bill runs, it would seem the outfit would be made before this government would be advised of his plans. Besides, I consider it bad policy to fit out, or trust Mexicans in any matter connected with our government, as I am well satisfied that we will in the end find them inimical and treacherous.¹ For these and many other reasons not enumerated, I can not sign the bill. Three other bills which I have also transmitted to you, I have approved.

"With sentiments, etc., I am,

"Your obedient servant,

"HENRY SMITH, Governor.

"Dec. 9th, 1835."²

The ordinance returned was taken up at once, and passed over the veto by a unanimous vote. The affair now assumed a new aspect, because of the movements of the army before Bexar. About the night of the 9th or the morning of the 10th, word was received from the army that it had begun the storming of Bexar, and was in need of reinforcements.³ The thought naturally suggested itself

¹In this sentence is found the key to the governor's entire policy.

²*Journal*, 131-132.

³After Austin's departure on November 24th, the army remained inactive for nearly two weeks. Finally, on December 5th, a few volunteers under Colonel Milam began the attack on Bexar, and the above mentioned request for aid was sent to San Felipe. The Mexicans capitulated on the 10th. Colonel Milam was killed during the siege, and Col. Frank W. Johnson assumed command of the besieging party. General Burleson, who had been elected commander-in-chief after Austin's departure, retired to his home shortly after the fall of Bexar, and Johnson, as second in rank, became commander-in-chief of the entire volunteer army.

that General Mexia and his men might be sent in response to the call. Accordingly the council resolved, on December 10th, that Mexia should be requested to proceed to Bexar, and Colonel Power was instructed to notify him.¹ The members of the council, like many of the army officers, believed that a descent upon Matamoros would follow the fall of Bexar. Consequently, in requesting Mexia to coöperate with the volunteer army, they did so with the belief that this would be the best method of capturing Matamoros by a union of all forces. If Captain Miracle's report concerning the strength of the Liberals in the interior was correct, such an attack at that time would very likely have been successful.

Colonel Power set out at once for General Mexia's camp at the mouth of the Brazos. In the meantime, Colonel Pettus, the government contractor, had gone down and stated his mission to the general, and informed him of the council's desire to know his plan of operations. Mexia readily agreed to return to San Felipe with Pettus and explain his plans to the council. On their way up, they met General Austin at Columbia, December 14th. The two generals held a long conference,² and Mexia showed a number of letters recently received from the interior, which indicated that the Liberals were still strong and active. General Austin was favorably impressed with the Mexican leader, and wrote the council a confidential letter urging it to give him all the aid in its power. He also advised it to remain true to the declaration of November 7th as a matter of policy, if for no other reason.²

Colonel Pettus, in his report to the council, December 17th, stated that he had gone down to Quintana to make arrangements for General Mexia. The general wished to carry his men by sea to Copano, where they could be used either for an attack on Matamoros or to help the army before Bexar. The men refused to proceed that way, and were placed upon the steamboat *Laura* and brought up to Columbia. On reaching there they were met by Colonel Power with news of the assault on Bexar and the request of the army for reinforcements. Pettus decided to send forward the forces at once, but was unable to obtain a sufficient number of horses. The Americans and Mexicans under Mexia's command soon fell into a dispute over the horses. The Americans obtained

¹*Journal*, 134.

²Austin to the council, December 14, 1835. MS., State Archives.

possession of them and proceeded to Bexar, while the Mexicans returned to Quintana with the general. Colonel Pettus went on to say that the accommodations furnished to General Mexia were considerable, as would be seen by his monthly report.¹

Colonel Power likewise made his report on the 17th. He said that he had met Mexia at Columbia, and that he refused to go to Bexar, his object being to proceed to Copano and join the two hundred Mexicans at Palo Blanco and from there take Matamoros if possible. Mr. Fisher, Mexia's secretary, stated "that the general could not place his military character at stake by accepting a command under the provisional government of Texas as Mr. Viesca is not governor." Mr. Power went on to say that Mexia would shortly arrive in San Felipe to confer with the governor and council in regard to blockading the ports of Vera Cruz and Tampico.²

The council was displeased with Mexia's refusal to coöperate with the volunteer army, and, it seems, instructed Mr. McKinney not to give him any further assistance.³ Still it was not willing to admit that the governor's opinion of Mexicans in general was correct. A committee report adopted on the 23d approved the principle of aiding Mexican Liberals, but urged that so far as possible they should depend upon their own resources.

The report is as follows:

"Your select committee of five to whom was referred the letters of General Mexia and others, report—

"That on examining all the papers and documents concerning the claims, plans of coöperation with, and proposals of assistance to, the people of Texas from General Mexia and other Mexican liberals, they would advise that the order from the general council to T. F. McKinney, of the 17th instant, be countermanded, as your committee can find no reasons for declining the aid of General Mexia, or the aid and coöperation of any Mexican liberals, whose cause is our cause, as opposed to military despotism; and advise that the advances made to General Mexia by government agents be

¹Report of Colonel Pettus. MS., State Archives. This report is not in the journal.

²Report of Colonel Power. MS., State Archives.

³The journal makes no mention of this, nor have I been able to find any copy of the order to McKinney in the State Archives. My authority for this statement is the committee report of the 23d.

respected. But, your committee are under the necessity of recommending to this council the avoidance of future responsibility and advances on account of our Mexican fellow citizens, whose interests are directing their efforts against centralism, in common with ourselves. Our treasury is barren—our resources for present operations must be drawn from foreign capitalists—and of consequence doubtful. And if the Mexican patriots are induced to act in the common cause, let them depend upon their own resources, as Texas does upon hers. Texas asks no pecuniary aid at the hands of her Mexican brethren nor is she able to extend it to them. Her citizens will resist the oppression of their rights, at every hazard, with or without the assistance of anybody on earth, resting confident that the justice of her cause will secure the sanction of our omnipotent God, who will sustain them in their noble efforts to sustain the natural rights of man.

“D. C. BARRETT, Chairman,

“Select Committee of Five.

“Dec. 23rd, 1835.”¹

After this date matters of more importance occupied the public attention. On January 4, 1836, the council adopted a committee report explaining their treatment of Mexia and outlining their general policy of dealing with Mexican Liberals:

“As regards the communication concerning General Mexia, your committee do not incline to censure any of the proceedings of this body in relation to him; acting as they did from information received at different times, showing indecision in the character and determination of General Mexia, and hearing his conduct complained of by those who have been under his command, every action of this house in relation to the matter has resulted from a sense of duty to the country. But your committee are of opinion, that the declaration of November 7th and organic law, which constitutes the basis of the provisional government of Texas, and the solemn obligations of the members who compose that government to sustain its principles, in spirit and in letter, are fundamental principles, that must be observed as well for the present safety of our citizens, and future hopes of security to the country, as for the conscientious fulfillment of the duties they assumed. And whatever may be the private feelings in regard to any other policy, all attempts

¹MS., State Archives.

to sustain principles, and carry into effect plans, differing from that already adopted, would be, in the minds of your committee, in the highest degree criminal, in any officer, who has assumed the responsibilities of acting under its provisions and directions. Our course, therefore, is a plain one. While supporting the 'republican principles of the constitution of 1824,' which places us as one of the belligerents in a civil war, we are required to coöperate, and act in concert with all Mexican citizens also favorable to the confederation and opposed to a central form of government. In doing this we fulfill a paramount duty, and pursue the dictates of the clearest policy for sustaining Texas in her present dangerous conflict.

"D. C. BARRETT,

"Chairman Committee of State."¹

This report is the last heard of Mexia under the provisional government. Of his subsequent history it is sufficient to say that he continued to hold out against the centralists until 1839, when he was captured near Puebla, Mexico, and put to death.²

VI.

DISPUTE OVER THE CALLING OF A CONVENTION AND THE BARRETT AND GRITTON APPOINTMENTS.

The provisional government had been in operation only a few weeks when the question of calling a convention came up. The municipalities of Texas had not all been represented in the Consultation, and the act of that body providing that it should meet again on March 1st aroused indignation in certain parts of the country.³ Some even went so far as to say that the members were anxious to retain power in their own hands and were afraid to leave to the people the privilege of electing delegates to a new convention.

The first action taken on the matter by the council was on December 1st, when a resolution was introduced by Mr. Parker providing for the election of delegates to a convention to be held

¹MS., State Archives. In this report we see the policy of the council clearly outlined.

²Bancroft, *History of Mexico*, V 212.

³*Telegraph and Register*, November 21, 1835.

March 1st. The resolution was read and ordered to a second reading on next day, but it seems not to have come to a vote. Mr. Barrett introduced a similar resolution on December 4th, and it was laid on the table.¹ Governor Smith urged immediate action on the matter, but business of more pressing importance occupied the attention of the council, and the resolution was not taken up and passed until December 10th. After a long preamble setting forth the natural rights of man and his duty to oppose tyranny, it went on to provide that a "convention of delegates of the people for each municipality of the three departments of Texas shall be called, to assemble on the first day of March next, at the town of Washington." The delegates "are clothed with ample, unlimited, or plenary powers as to the form of government to be adopted." It went on to state that the election should be held on February 1st, and that "all free white males and Mexicans opposed to a central government" should be allowed to vote. The fourth section apportioned the delegates among the various municipalities, allowing Bexar, among others, four votes.²

The following message from the governor was read on December 12th:

"GENTLEMEN: * * * I have signed the revenue, postoffice, and many other bills of minor importance, all of which I transmit to you with one to call the convention, not approved, inasmuch as I consider it in some degree exceptionable.

"My objections are confined to the third and fourth articles, and are these: that the Mexican population within our limits, particularly where they are unmixed with other population, could not properly be tested, at an election, to know whether they were in favor of centralism or not—that being made the touchstone of eligibility. Under existing circumstances, I consider one fact plain and evident: that they who are not for us must be against us. In my opinion they should be so considered and treated. Actions always speak louder than words; and a very great proportion of the inhabitants of Bexar afford fair examples. They have had, it is well known, every opportunity to evince their friendship by joining our standard. With very few exceptions they have not done so, which is evidence, strong and conclusive, that they are really

¹*Journal*, 85, 101-102.

²*Ibid.*, 139; *Ordinances and Decrees*, 76-78.

our enemies. In many instances, they have been known to fight against us. I therefore consider that they should neither be entitled to our respect or favor, and as such not entitled to a seat in our councils. As it respects the other Mexican jurisdictions that are intermixed in our population, where the touchstone could be more properly applied—it would be different. I therefore, hope you will reconsider the bill, and make the alterations suggested, as I consider the objections reasonable and justly founded.

"I am,

"Your obedient servant,

"HENRY SMITH, Governor.

"Dec. 12th, 1835."¹

On the next day, the resolution was reconsidered and passed over the governor's veto unanimously. The foregoing message contained language with regard to the Mexicans very similar to that used in the message vetoing the Mexia resolution. These and various other affairs reacted on one another, and all together stirred up considerable feeling. The trouble next to be considered, however, was much more personal in character.

"An ordinance and decree establishing and imposing duties on imposts and tonnage, and for other purposes," was passed on December 8th and approved by the governor on the 12th. The coast was divided into five revenue districts in each of which there was to be a collector of the port. Elections for these officers took place in the council on December 11th. This was before the governor actually returned the bill approved, but as it presumably had been in his office for three days, it had become valid without his signature. At this election, Mr. Edward Gritton was chosen collector of the port at Copano in the Aransas district.

On December 11th, also, Mr. Kerr presented a resolution in the council providing for a "judge advocate general, for the armies of Texas, with the rank, pay, and emoluments of colonel in the line." It was adopted, and, at the evening session, Mr. D. C. Barrett, member of the council from Mina, was elected judge advocate general.²

On the 17th Governor Smith sent in a message objecting to the two appointments above mentioned. "I never can extend to them

¹*Journal*, 152-153.

²*Ibid.*, 145-148.

commissions," said he, "unless compelled by a constitutional majority of your body, for the reasons which follow: first, of Mr. Gritton, as collector of revenue for the port of Copano. It is well known that Mr. Gritton made his first appearance in Texas as Secretary of Colonel Almonte, who was an avowed spy upon us under the orders of Santa Anna;¹ an Englishman by birth and a Mexican by adoption and long residence; allied to our enemies by affinity and commerce, he has not joined our army and I have ever considered him a spy upon us. * * *

"Respecting Mr. D. C. Barrett, I regret extremely that it is my disagreeable and painful though bounden duty to object to his appointment as 'judge advocate general of all the armies of Texas, with the rank and pay of colonel in the line.'

"I object in the first place, because the office is new and unheard of in the country. And secondly, I am bound to prefer against Mr. Barrett the following specification of charges."

The governor then, according to Brown, enumerated six charges, of which Yoakum gives the following: "He alleged that he [Barrett] had forged an attorney's license, in North Carolina; that he had taken fees on both sides of a case as an attorney; that he had passed counterfeit money knowingly; that he had embezzled the funds furnished himself and Gritton as an outfit, when sent on an embassy to Cos the previous summer, without going to their intended destination, or reporting their proceedings."²

Although the entire council was inclined to resent this attack on Mr. Barrett, many of the members began to realize that it was not good policy to create new offices and then fill them from their own ranks. Mr. Power offered a resolution on the 17th providing that no member of the council should be eligible to any office created by them.³ The question came to a vote on the 21st, and was defeated by eight to seven, as follows: noes, Menifee, Linn, Hanks,

¹Almonte had been sent to Texas in the spring of 1834 to make observations on the condition of that part of the republic. A synopsis of his valuable report to the government will be found in Kennedy, *History of Texas*, II 69-81.

²The message, as will be seen later, was not spread on the journals, nor is it to be found in the State Archives. Brown and Yoakum, however, seem to have had access to the original document, and the account given above is taken from their histories. Brown, I 448-450; Yoakum, II 44-45.

³*Journal*, 180.

Kerr, Millard, Barrett, Royall, Parker; ayes, Clements, Harris, West, Power, McMullen, Thompson, and Mitchell.

Two days later, it was resolved that the message of the 17th should be filed, but not entered on the journal, and Mr. Meniffee introduced a "resolution denying the right of the executive to veto appointments to office," which was passed on December 25th in the following form:

"1. Resolved, by the general council of the provisional government of Texas, that this council does not recognize or acknowledge any power in the executive branch of the said government to object to or veto appointments to offices made by the council. That the appointing power is exclusively with the council, and the commissioning is the duty of the governor consequent upon his office, and even if otherwise, the veto as returned upon the list of officers appointed by this council, dated the 11th inst., was not returned within the three days prescribed by the 'ordinance and decree declaring the mode of passing, signing, and publishing the ordinances, decrees and resolutions of the provisional government of Texas.' The list of officers appointed was sent to the executive office the 12th of December and returned December 17th.

"2. Resolved, that by the eleventh article of the organic law this council can only consider 'charges and specifications,' preferred against a member of this council, 'for malfeasance or misconduct in office.'

"3. Resolved, that the charges of this character preferred by the governor in his message of the 17th inst. against D. C. Barrett, the general council repel, as being untrue—and the other charges are not a subject matter proper to be investigated by this council, according to the aforesaid article of the organic law.

"4. Resolved, that the Governor be [and] he is hereby requested to issue commissions forthwith to the persons named in the certified list of persons elected under date of the 11th inst.

"5. Resolved, that the Governor be furnished with a copy of the foregoing resolutions."¹

Nothing more is heard of this affair, and it is to be supposed that Gritton accepted the position as collector. Barrett, though

¹MS., State Archives. Of the six charges made against Barrett, the four given by Yoakum refer to his conduct previous to becoming a member of the council. The remaining two very likely dealt with his career in the council. The council denied the truth of the latter, and maintained that the organic law gave it no jurisdiction over the former.

judge advocate general of the army, continued to retain his seat in the council and to take a prominent part in the opposition to the governor.

VII.

THE REGULAR AND THE VOLUNTEER ARMIES.

The Consultation, on November 11th, had adopted a plan to raise a regular army, and the council, on November 24th, passed an ordinance to that effect, which was approved by the governor on the 26th. The army was to consist of one thousand one hundred and twenty men, enlisted for two years or during the war. There was to be one regiment of artillery and one of infantry. Each volunteer was to receive six hundred and forty acres of land. General Houston, the commander-in-chief, took up his headquarters at San Felipe. On December 4th he wrote to the council urging an immediate organization of the army, especially the appointment of officers for the various companies.¹

The letter was referred to the committee on military affairs, which reported on December 6th that the council had thrown no obstacle in the way of raising a regular army, but that, on the contrary, it had been as "expedite in the enactment of ordinances—election of officers—and every other necessary arrangement * * * as could be done under the press of business and the distracted state of our affairs." Much of the council's time, the committee maintained, was occupied in providing for the volunteer army, upon which "rests the hopes and fortunes of the people of Texas," and it could not be overlooked "to gratify the wishes of General Sam Houston, by proceeding immediately to the appointment of the officers of the regular army."² The appointment of officers was to be postponed for another reason. It was urged that every inducement should be held out to volunteers; and, if all the offices were filled at this time, it would, by closing "the door for promotion," prevent many ambitious young men of the United States from coming to the aid of Texas. The committee went on to recommend the establishment of headquarters "at Gonzales or some other suitable place on the frontier."³

¹Houston to council, Yoakum. *History of Texas*, II 447.

²This clause is in the original report, but was stricken out by the council before its adoption.

³MS., State Archives.

On December 7th the council elected a colonel, lieutenant-colonel, and major for the regiment of infantry, and a colonel and lieutenant-colonel for the artillery, J. W. Fannin being elected colonel of artillery.¹

Governor Smith sent in a message on the 8th, urging the immediate organization of the army, and, on the 11th, the council elected officers for five companies of artillery.²

Houston would seem to have been satisfied to some extent with this, for, on December 12th, he issued a proclamation to the people of Texas in which he used the following language: "A regular army has been created and liberal encouragement has been given by the government."

The following measures of the council relative to the regular army will serve to show that it did perhaps all in its power to insure the success of that branch of the service:

1. December 12th. "A resolution authorizing the commander-in-chief to accept the services of five thousand auxiliary volunteers, and other purposes." The "other purposes" referred to a resolution instructing the commander-in-chief to remove his headquarters to Washington.

2. December 14th. "An ordinance and decree increasing the bounty to soldiers of the regular army."

3. December 18th. "An ordinance and decree augmenting the regular army by creating a legion of cavalry."

4. December 21st. An ordinance appropriating forty thousand dollars for the army.³

Meanwhile, the volunteer army was not neglected, as ordinances for its relief, passed on November 19th, 24th, 27th, and 28th, and December 1st and 5th, will abundantly testify. That army was still occupying San Antonio de Bexar, and its leader, Colonel Johnson, in letters to the government, always signed himself "commander-in-chief Federal Volunteer Army of Texas."

¹*Journal*, 121-122. Fannin was thus, as an officer of the regular army, subject to the orders of the commander-in-chief.

²*Ibid.*, 125, 147-148.

³*Ordinances and Decrees*, 85-86, 87-88, 92-94, 96.

VIII.

MATAMOROS EXPEDITION, ORDER FOR DISSOLUTION OF COUNCIL, AND
RESOLUTION DEPOSING THE GOVERNOR.

The most serious of all the differences between the governor and council and the one most far-reaching in its consequences is now to be discussed. It will be remembered that an expedition against Matamoros had been a part of General Mexia's program. The success at Bexar had led a great many to believe that the plan was feasible, and, on December 2d, Captain Dimit, commander at Goliad, had written to the government urging it to consider the matter.¹ Accordingly, General Houston, acting under instructions from Governor Smith, issued an army order to Colonel James Bowie,² requiring him, if he could obtain a sufficient number of men, to proceed to Matamoros and capture it if possible. Much was to be referred to his discretion. He was at all events to capture Copano.³

Commenting on this, Col. Frank W. Johnson says: "From the foregoing order, it will be seen that Governor Smith thought an expedition to Matamoros not only proper but necessary, when ordered by himself, but all wrong when ordered by the council."⁴

Before General Austin left the army at Bexar, the idea of an expedition against Matamoros had been suggested by Dr. Grant.⁵ He gave a glowing account of the strength of the Liberals in the interior, saying that Alvarez of Yucatan was active in the South, and that Puebla, Valladolid, Zacatecas, Durango, Tamaulipas, Nuevo Leon, and other Mexican states were ready to raise the

¹Dimit to Provisional Government, Foote, *Texas and the Texans*, II 184-185.

²See charge first, specification second, of charges of council against Governor Smith, pp. 326-27, *post*.

³Army order No. 8, Yoakum, *History of Texas*, II, 454.

⁴*Fifty-one Years Reminiscences of Texas*, in *American Sketch Book*, Vol. 7, No. 2.

⁵Dr. Grant, a wealthy Scotchman, had large estates near Parras, in Coahuila. In 1835, he was a member of the State legislature which was dispersed by Gen. Cos. In company with a few others, he made his way to Bexar, and, in the assault on that stronghold, showed conspicuous bravery as a leader of a division under Col. Johnson. (Thrall, *History of Texas*, 542-545.)

standard of revolt against Santa Anna, and would coöperate with the Texans.¹

Such accounts of the strength of the Liberal movement in Mexico had a strong tendency to arouse the enthusiasm of the troops for an expedition against Matamoros, and similar accounts from Miracle, Mexia, and others had induced the council at San Felipe to agree heartily to the project. And, as stated above, Governor Smith himself had been so far won over to the scheme as to advise the commander-in-chief of the regular army to send an order to Colonel Bowie to make the expedition. There was some delay, however, in getting the order to Bowie, and he did not carry out its provisions.

On December 18th, Frank W. Johnson, "Commander-in-chief of the Federal Volunteer Army of Texas," wrote to Governor Smith, advising him of the movements of the centralist troops under Sesma and Santa Anna, and saying that the centralists were trying to unite all parties against the Texans by saying that they were "fighting for independence instead of liberty and the constitution." He closed by calling for aid to strengthen the outposts on the frontier.²

This letter was sent to the council by the governor and by that body referred to the committee on military affairs, which, on December 25th made the following report:

"The committee on military affairs, to whom was referred Maj. F. W. Johnson's letter, of December 18, 1835, from headquarters at San Antonio de Bexar, have had the same under consideration, and from the information contained therein, together with the movements of General Cos, after his departure from San Antonio de Bexar, learned from a private source, renders it necessary to concentrate on the frontier, at the most important points, all the troops that can be raised and that as speedily as possible.

"We are also informed by the communication received from Bexar that advices have been received at that place, stating that General Ramirez Sesma had arrived at Laredo with five hundred cavalry and one thousand infantry, for the purpose of reinforcing General Cos, and that an army was raising at San Luis Potosi, to be commanded by Santa Anna.

¹Johnson in *American Sketch Book*, Vol. 6, No. 4, p. 303.

²MS., State Archives.

"Your committee would therefore recommend that an express be sent to the commander-in-chief of the regular army of Texas, forwarding to him a copy of the letter received from Bexar of the 18th inst., and the private intelligence of the movements of General Cos and further, that Col. J. W. Fannin be ordered to proceed forthwith to the west and take command of the regular and auxiliary troops, and that Colonel Travis be ordered to repair with all possible dispatch to the frontier, or seat of war, with all the troops he can bring into the field at this time under his command; and that the troops at Washington, and such as may be on the Guadalupe, will be ordered to repair immediately to Goliad, Copano, or Bexar for the purpose of coöperating with and acting in concert in the general defensive or offensive operations which may be ordered or deemed necessary.

"Your committee would further earnestly recommend, that the commander-in-chief be ordered to concentrate all the troops under his command, or that can be brought into the field, at Goliad or Copano, with all possible dispatch, taking care at the same time to procure, by his contractors, the necessary supplies of provisions for the sustenance of his troops, and that his orders be executed with all promptness and dispatch; and further, that the commander-in-chief be required to arrange and give orders to his recruiting officers and make such dispositions of his recruiting officers as may be deemed best by him.

Therefore your committee recommend the adoption of the following resolutions:

"Inasmuch as the number of troops fit for duty now in the field is very much augmented, there being four hundred troops now at Bexar, seventy at Washington, eighty at Goliad, two hundred at Velasco, and several companies on their march to the different military posts and places of rendezvous, making in the aggregate seven hundred and fifty men now in service and ready for active operations, and at least one hundred more, not enumerated in the above aggregate, who will join the army in a few days, active operations should be immediately commenced; for the expenses of the above number of men, now in service, together with the officers and contingent expenses, are too great for Texas in the present state of her finances. Besides, to keep the troops idle who have entered the service will do us great injury at this time. It will induce those who are willing and able to aid us, to believe that we have

no use for any more troops; it will give our enemies time to fortify Matamoros and Laredo, so they can demonstrate on us in the spring or whenever they think proper, knowing their fortifications would enable them to retreat safely, even if they were defeated, and should it become necessary to take either of the aforesaid places, for the security of our frontier, it would be far more difficult than it would be at this time, and no man can doubt the importance and necessity of striking a decisive blow at once. By taking Matamoros, we have the possession of the key; yes, the commercial depot of the whole country north and northwest for several hundred miles. We can then fortify the place; demonstrate, when the occasion presents itself, or it becomes necessary, upon the towns north and west. We can also land provisions and all the munitions of war and troops, if necessary, at that point (Matamoros), at any time with perfect safety, and without incurring half the risk and expense we must at present. And we can also command the Gulf of Mexico from that point to the city of New Orleans, and land our troops and supplies wherever we please.

"Therefore be it resolved, by the general council of the provisional government of Texas, That his Excellency, Henry Smith, governor, be and he is hereby earnestly requested to concentrate all his troops by his proper officers, at Copano and San Patricio, for the purpose of carrying into effect the objects expressed and contained in the foregoing report.

"Be it further resolved, That no officer of the regular army of Texas shall receive pay until he is in actual service, under orders of the commander-in-chief."¹

Leaving out of consideration the question as to the wisdom of such a policy, it is evident that the council had an undoubted right, according to the "plan of the military," to thus advise the commander-in-chief to undertake an expedition against Matamoros. General Houston, on receipt of the above report and resolution, wrote a letter to Governor Smith about the matter. An extract is as follows:

"* * * I pray that your Excellency will not permit the suggestions of those who neither know nor can appreciate my duties (or the necessity of my occupying, until the campaign opens, a central position), to induce your Excellency to believe that I can

¹*Journal*, 202-204.

be necessary, and ought to be, where a subordinate can discharge every duty.

"You may rely upon it that a subaltern, whom I would leave in command at this point would have more important duties devolved upon him, than those which would be confided me on an outpost to the major-general—while the general and the governor would be held responsible to the country for any and every failure, or delinquency, which might occur to the detriment of the army, or the defenses of the country."¹

This hesitancy on the part of Houston, and the fact that he did not leave for the west until January 8th² naturally led the council to the conclusion that, if the commander would not undertake the campaign, it should be entrusted to some one who would do so. It was not long in finding men ready and willing to undertake the task. In fact, there were entirely too many such men desiring the leadership, and it was impossible to procure harmonious and unified action. On December 30th, Dr. James Grant, acting under orders from Colonel Johnson, had set out from Bexar to Matamoros with two hundred volunteers, taking with him the supplies in Bexar and even pressing the property of the citizens.³

Colonel Johnson, meanwhile, repaired to San Felipe to get the sanction of the government, or at least the sanction of the council. On his arrival, he presented the following letter:

"SAN FELIPE DE AUSTIN,
"3rd Jan., 1836.

"To the general council of Texas, Gentlemen:

"I beg leave to represent to your honorable body that I have, under authority of an official letter addressed to my predecessor, General Burleson, by the committee on military affairs, ordered an expedition against Matamoros of five hundred and thirty men, volunteers of Texas and from the United States—by whom I have been appointed to the command. The volunteers left Bexar on the 30th of December last for La Bahia and from thence to the destined point.

"I have left in garrison at Bexar one hundred men under com-

¹Houston to Smith, December 30, 1835. MS., State Archives.

²Houston to Smith, January 8, 1836. MS., State Archives.

³Yoakum, *History of Texas*, II 51, 457, 464.

mand of Lieutenant-Colonel Neill. This force I consider to be barely sufficient to hold the post and it will require at least fifty additional troops to place it in a strong defensive position. I have ordered all the guns for the town into the Alamo and the fortifications in the town to be destroyed. * * *

"In regard to the expedition I have no hesitation in saying that it is practicable and that not one moment should be lost, as the enemy are concentrating their forces at many points in the interior with a view to suppress the liberals of the interior and also for the purpose of attacking us in Texas. Therefore I submit the foregoing to your consideration and ask your authority for making the expedition against Matamoros.

"I have the honor to subscribe myself your most obedient servant,

"F. W. JOHNSON.

"N. B.—Please issue commissions to James Grant as colonel, and N. R. Brister as adjutant.

"F. W. J."¹

The above letter was read in the council on the morning of January 3d and referred to the committee on military affairs. The committee brought in the following report at the afternoon session, and it was adopted by the council:

"The communication of Gen. F. W. Johnson, which was referred to your committee, respecting an expedition against Matamoros, has had the same under consideration, and beg leave to report, to the honorable the general council, that it is an expedition of the utmost importance at this time. It will give employment to the volunteers, until a regular army, sufficient for the protection of our country, can be raised and organized.

"And your committee take great pleasure in recommending F. W. Johnson to take the command of all the troops that he can raise for that purpose. His gallant and chivalrous conduct at the siege and fall of Bexar, entitles him to our confidence and support. Besides, delay at this time on our part would be dangerous. For if the volunteers on their march for Matamoros were defeated, the consequences resulting from it might prove fatal to Texas. But every one must foresee the benefit that would result from occupying and keeping possession of that important commercial depot. It would not only deprive our enemies of the immense revenue at that

¹MS., State Archives.

place, but aid us greatly in supporting our army. It would also carry the war into the enemy's country, and with the vessels that will be floating upon the Gulf of Mexico, in the service of Texas, in one month, will give us the entire command of the gulf from Matamoros to New Orleans over our enemies.

"Your committee would further recommend that measures be adopted by the honorable the general council, to support, sustain, and provide for the volunteer army on their march against Matamoros; and further, that the governor be requested to commission such officers, as are reported to have been elected by said volunteers, or as may be reported to him. Your committee further recommend that the sum of two thousand dollars be appropriated for the expense of the expedition to Matamoros."¹

This resolution, authorizing Johnson to make the expedition, was adopted by the general council on January 3d. In accordance with the provision for vessels to coöperate with him, Mr. D. C. Barrett presented a report, accompanied by an ordinance to that effect, recommending the purchase of the *William Robbins* and the *Invincible*, two armed vessels owned by the firm of McKinney and Williams. The ordinance was read twice on January 3d and laid on the table until the 5th, when it was taken up and passed.² On January 7th, the governor returned the ordinance with his objections. He said that the *William Robbins* had already been purchased by the agents to the United States, and that any action in the matter whatever would be infringing on their authority, since they were the best judges as to whether the vessels were needed and whether or not the money could be spared to purchase them. On the next day, by a vote of eleven to one, it was passed over the veto.³

A committee of two, Barrett and Clements, was appointed by the council, on January 5th, to wait on Johnson and Fannin⁴ with

¹*Journal*, 250-251.

²*Ibid.*, 251-252, 258; *Ordinances and Decrees*, 127-129.

³*Journal*, 277-279. Mr. Clements alone voted in the negative.

⁴Fannin and Bowie had also arrived at San Felipe early in January. The order from Houston to Bowie, of December 17th, urging him to undertake an expedition against Matamoros, had not been received by that officer until his arrival at San Felipe on January 1st (Houston to Smith, January 30, 1836, Yoakum, *History of Texas*, II 463). On January 6th, Bowie

the resolution respecting the Matamoras expedition and learn their views. At the night session the committee reported that those officers fully concurred with the views of the council.¹

On the very next day, however, Johnson wrote a letter to Mr. Hanks of the military committee declining to take part in the expedition. The report of the third was accordingly reconsidered and referred, together with Johnson's letter, to the military committee, and Mr. Barrett was added to the committee for this special case.² The nature of Colonel Johnson's objections can only be surmised, since no copy of the letter is to be found. It would seem that he was led to this course by the violent opposition of the governor. On the following day, January 7th, he again changed his mind, saying that he believed after all that he had the right to make the expedition.³

The council, before receiving the letter of the 7th, and believing that Johnson was sincere in refusing to participate in the expedition, adopted a report and resolution appointing J. W. Fannin "an agent of the provisional government" to collect as many volunteers as possible, draw upon the government contractors for the necessary munitions of war, borrow three thousand dollars on the credit of the government, and make a descent upon Matamoras.⁴

Acting in accordance with the authority thus conferred, Colonel Fannin immediately began to collect volunteers and issued the following notice:

"ATTENTION VOLUNTEERS.

"To the West, face: March!

"An expedition to the west has been ordered by the general council. Exhibited this order to the council, and it obtained a copy of it (*Journal* 265-266). Later it was used for two purposes: first, the governor was charged with having instructed the commander-in-chief to issue this order, without the knowledge and consent of the council, contrary to the fourth article of the military plan of the organic law; secondly, it was used to prove that the governor thought an expedition all right "when ordered by himself, but all wrong when ordered by the council."

¹*Journal*, 263.

²*Ibid.*, 270.

³Neither one of these letters can be found, but their contents may be partly inferred from a committee report adopted on the 14th. (*Ibid.*, 315-317.)

⁴*Ibid.*, 273-275.

cil, and the volunteers from Bexar, Goliad, Velasco, and elsewhere, are ordered to rendezvous at San Patricio, between the 24th and 27th inst., and report to the officer in command. The fleet convoy will sail from Velasco under my charge on or about the 18th, and all who feel disposed to join it and aid in keeping the war out of Texas, and at the same time crippling the enemy in their resources at home, are invited to enter the ranks forthwith.

“J. W. FANNIN, JR.

“Jan. 8th, 1836.”¹

Colonel Johnson, havng finally decided to go, issued the following proclamation on January 10th:

“PROCLAMATION OF THE FEDERAL VOLUNTEER ARMY OF TEXAS.

“The Federal Volunteer army of Texas, the victors of San Antonio, then and now under the command of Francis W. Johnson, through him address themselves to the friends of Texas and of liberty.

“Under sanction of the general council of Texas, they have taken up the line of march for the country west of the Rio Grande. They march under the flag 1. 8. 2. 4., as proclaimed by the government of Texas, and have for their object the restoration of the principles of the constitution, and the extermination of the last vestige of despotism from the Mexican soil. Texas herself, free from military rule, yet hears on her borders the insolent tone of the tyrant’s myrmidons, yet hears the groans of her oppressed Mexican friends, and their call for assistance. Her volunteer army will answer that call; and with a determination to aid and assist them in reëstablishing their constitution and their liberty, they march to victory or the grave. They invite into their ranks all friends to freedom, of whatever name or nation. They invite them to unite in establishing on a firm and solid foundation, on Mexican soil, the banners of Morales and Hidalgo, inscribed with their own national mottoes. Uninfluenced by views of individual interest, they desire that all true friends shall participate in the glory. Their names will be remembered in the bright pages of the historian, and in the ballad and song of the liberal Mexicans.

“To arms! then, Americans, to aid in sustaining the principles

¹Published in *Telegraph and Register*, issue of January 9, 1836.

of 1776, in this western hemisphere. To arms! native Mexicans, in driving tyranny from your homes, intolerance from your altars, and the tyrant from your country. In this very hour the crowned despots of Europe have met in unholy conclave, to devise the means of crushing liberal principles. Louis Philippe of France, faithless to his oath, now sits side by side with the monarchs of Russia, and Austria, and Prussia, and Spain, and the minister of Santa Anna is seen among them. Before this it is more than probable that the freedom of Mexicans has been sold to the tyrants, and that European force is to sustain the diadem on the head of the traitor Santa Anna. Not only Texas and Mexicans, but the genius of liberty, demands that every man do his duty to his country, and leave the consequences to God. Our first attack will be upon the enemy at Matamoros; our next, if Heaven decrees, wherever tyranny shall raise its malignant form. Between the 25th and 30th inst., it is expected the whole of the volunteer army of Texas will take up the line of march from San Patricio.

“F. W. JOHNSON.

“San Felipe de Austin, Jan. 10th, 1836.”¹

The council, seeing that Johnson and Fannin were both determined to make the expedition,² reconsidered the report and resolutions of January 7th, and adopted a report which again conferred authority on Johnson, but did not take away any from Fannin.³ Thus, through the indecision of Johnson, the council had been led to confer the command of the volunteer forces upon two men instead of upon only one. Two ambitious officers, neither of whom was subordinate to the other, could hardly have been expected to act with that harmony necessary to insure the success of such an undertaking. The expedition may, in a manner, then, be said to have been doomed to failure from the very beginning.

Meanwhile, General Houston, the commander-in-chief of the regular army, who was thus, to use his own words, being “super-seded in his command,” had removed his headquarters from San

¹Published in *Telegraph and Register*, January 16, 1836. Perhaps previously issued in hand-bill form.

²It was made aware of Johnson’s determination by his letter of the 7th. Doubtless, too, the members had seen a copy of the foregoing proclamation.

³*Journal*, 315-317.

Felipe to Washington on December 25th. On that very day, the council adopted a report strongly favoring an expedition against Matamoros and calling upon the governor to order one through his proper officers. Smith and the commander-in-chief delayed action for some time, and the council, believing that if Matamoros were to be taken it must be done at once, naturally turned to Johnson and Fannin, who were eager to undertake the work.

Governor Smith, anxious perhaps to forestall the council, finally ordered General Houston to the front, and, on January 8th, he left Washington for the west. Just before his departure, he wrote the governor a private letter in which he used the following language: "I am told that Frank Johnson and Fannin have obtained from the military committee orders to proceed and reduce Matamoros—It may not be so. There was no quorum and the council could not give power."¹

On January 6th, Houston wrote the governor a letter in which was inclosed the report of Lieutenant-Colonel Neill, in command at Bexar after the departure of Johnson and Grant on December 30th. This report depicted the deplorable condition of the small garrison left at that place without the necessities of life.² Johnson and Grant had taken all the provisions and clothing from the town to supply the "Federal Volunteer Army." The governor, already angry at the council, because of its action in empowering Johnson and Fannin to undertake the Matamoros expedition, was now aroused to fury.

On the evening of the 9th of January, he wrote to J. W. Robinson, president of the council, asking him to call a special secret meeting on the next day, saying that important business relative to the dispatches from Bexar was to be settled.³ Accordingly, the house met at 3 o'clock Sunday afternoon, January 10, 1836. The proceedings were secret, but, on the next day, the council passed a resolution removing the bonds of secrecy and ordering the proceedings to be spread on the journal. They were substantially as follows:

The executive secretary, Mr. C. B. Stewart, presented a message from the governor, together with the reports from Bexar, and

¹MS., State Archives.

²Yoakum, *History of Texas*, II 457.

³*Journal*, 289.

stated that the governor wished the reports read first and that he wished his own secretary to read the message afterwards. These requests were denied, and the following message was read:

“SAN FELIPE, Jan. 9th, 1836.

“Gentlemen of the Council:

“I herewith transmit to your body, the returns and correspondence of Colonel Neill, lieutenant-colonel-commandant of the post of Bexar. You will in that correspondence find the situation of that garrison. You will there find a detail of facts calculated to call forth the indignant feelings of every honest man. Can your body say that they have not been cognizant of, and connived at, this predatory expedition? Are you not daily holding conference, and planning coöperation, both by sea and land? Acts speak louder than words. They are now before me, authorizing the appointment of a generalissimo with plenary powers to plan expeditions on the faith, the credit, and I may justly say, to the ruin of the country. You urge me by resolutions to make appointments, fit out vessels as government vessels—registering them as such, appointing landsmen to command a naval expedition, by making representations urgent in their nature, and for what? I see no reason but to carry into effect, by the hurried and improvident acts of my department your favorite object, by getting my sanction to an act disorganizing in its nature and ruinous in its effects. Instead of acting as becomes the councillors and guardians of a free people, you resolve yourselves into intriguing, caucussing parties; pass resolutions without a quorum, predicated on false premises; and endeavor to ruin the country by countenancing, aiding and abetting parties; and, if you could only deceive me enough, you would join with it a piratical coöperation. You have acted in bad faith, and seem determined by your acts to destroy the very institutions which you are pledged and sworn to support. I have been placed on the political watch-tower. I feel the weight of responsibility devolving upon me, and confidently hope I will be able to prove a faithful sentinel. You have also been posted as sentinels, but you have permitted the enemy to cross your lines; and, Mexican-like, are ready to sacrifice your country at the shrine of plunder. Mr. President, I speak collectively, as you all form one whole, though, at the same time, I do not mean all. I know you have honest men there, and of sterling worth and integrity;

but, you have Judases in the camp—corruption, base corruption, has crept into your councils—men who, if possible, would deceive their God. Notwithstanding their deep laid plans and intrigues, I have not been asleep. They have long since been anticipated, forestalled, and counteracted. They will find themselves circumvented on every tack. I am now tired of watching scoundrels abroad and scoundrels at home, and on such I am now prepared to drop the curtain. * * *

“Look around upon your flock. Your discernment will easily detect the scoundrels. The complaints, contraction of the eyes, the gape of the mouth, the vacant stare, the hung head, the restless, fidgety disposition; the sneaking sycophantic look, a natural meanness of countenance, an unguarded shrug of the shoulders, a sympathetic tickling and contraction of the muscles of the neck, anticipating the rope, a restless uncasiness to adjourn, dreading to face the storm themselves have raised.

“Let the honest and indignant part of your council drive the wolves out of the fold, for by low intrigues and management they have been imposed upon and duped into gross errors and palpable absurdities. Some of them have been thrown out of folds equally sacred and should be denied the society of civilized man.

“They are parricides, piercing their devoted country, already bleeding at every pore. But, thanks be to my God, there is balm in Texas and a physician near. Our agents have gone abroad. Our army has been organized. Our general is in the field. A convention has been called which will afford a sovereign remedy to the vile machinations of a caucussing, intriguing, and corrupt council. I now tell you that the course here pointed out shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowledgment to the world of your error, and forthwith proceed, and with the same facility and publicity (by issuing a circular, and furnishing expenses to give circulation and publicity in a manner calculated to counteract its baleful effects), that after twelve o’clock on tomorrow all communications between the two departments shall cease; and your body will stand adjourned until the first of March next, unless, from the emergencies of the country, you should be convened by proclamation at an earlier period.

“I consider, as the devisers of ways and means, you have done all contemplated by the organic law; that your services are no longer needed, and until the convention meets, I will continue to dis-

charge my duties as commander-in-chief of the army and navy, and see that the laws are executed.

"The foregoing you will receive as notice from my department, which will be rigidly carried into effect. You are further notified that audience will not be given to any member or special committee other than in writing. I will immediately proceed to publish all the correspondence between the two departments, by proclamation to the world, and assign the reasons why I have pursued this course, and the causes which have compelled me to do it.

"Your obedient servant,

"HENRY SMITH."¹

After the reading of the above message, a committee was appointed to examine it and report on the next day. The committee reported and presented a series of resolutions, which were adopted by the council. The first of these declared that the members of the council were the "immediate representatives of the sovereign people" and would sustain the dignity of the government at all hazards. The next deposed the governor and ordered him "to answer to the general council, upon certain charges and specifications preferred against him, agreeably to the 4th section of the Federal Constitution of Mexico of 1824, and the 11th section of the organic laws of the provisional government of Texas." The executive secretary was to be notified of the governor's deposition and held responsible to the council for the records, documents, and archives of his office. The commanding general, agents in the United States, and other officials of the government were to be informed of his suspension from office, and were to hold themselves responsible to Robinson as "acting governor" and to the general council. The sixth and last resolution provided for a committee "to draft an address to the people of Texas setting forth the circumstances and reasons which compelled their representatives in general council to adopt these measures."²

Messrs. Jones and Tucker were appointed a committee to return to the governor "his message together with the report and resolutions thereon." The committee did as requested and reported to

¹*Journal*, 290-293.

²*Ibid.*, 293-295.

the council that Smith simply said, "Well, you have adopted your course and I will pursue mine."¹

At the afternoon session, Mr. McMullen of San Patricio was elected president pro tem. of the council and Lieutenant-Governor Robinson was sworn in as "acting governor of Texas." It was further ordered that the executive secretary be notified of the fact and requested to govern himself accordingly. A committee was also appointed to draft an address to the people of Texas, in accordance with the resolutions adopted at the morning session.²

This committee made its report on the next day, January 12th, presenting charges and specifications against the governor and also an address to the people, both of which were unanimously adopted. As the charges and specifications are, to a certain extent, a recapitulation of the differences that had arisen between the governor and council, they will be quoted in full:

"CHARGES AND SPECIFICATIONS.

"To Henry Smith, Esq., Governor of the Provisional Government of Texas:

"SIR: The following are the charges and specifications preferred against you in substance and in form as contemplated by the fourth section of the organic law of the provisional government of Texas. The general council advises you that you are at liberty to answer the following charges and specifications, before that body, or before the general convention, at its session to commence on the first day of March next; that upon application to the president of the council, you will be furnished with the names of witnesses who will be called on to testify against you.

"Charges and Specifications against Henry Smith, as provisional governor, under the 11th section of the organic law, for malfeasance and misconduct in his said office, as preferred by a committee appointed by the general council for that purpose:

"Charge first. For violating the republican principles of the Federal Constitution of 1824, which as provisional governor, he has sworn to support.

"Second. For neglecting to support the declaration of the Consultation of the chosen delegates of all Texas, in general conven-

¹*Journal*, 295-296. Tucker entered from Tenehaw, January 4, and Jones from Austin, January 8.

²*Ibid.*, 296.

tion assembled; and for endeavoring to prevent the general council from carrying into effect especially the second article as adopted by the said convention, November 7th, 1835.

"Third. For official perjury, in infringing and violating the organic law of the provisional government of Texas.

"Fourth. For slanders and libels upon the general council as a body, and upon the members thereof individually, and contempt of its powers and authority, and attempting to dissolve the government, and assume dictatorial power over the good citizens of Texas, and by inconsistency, misrepresentation, and other official misconduct, has produced confusion and aimed at general disorganization.

"CHARGE FIRST.

"For violating the republican principles, etc.

"Specification First. For assuming a high and dictatorial tone in his first message, addressed to the general council, dated at San Felipe, November 16th, 1835, and in the first sentence of said message, the said provisional governor declared himself the supreme executive of the free and sovereign state of Texas, contrary to the republican principles of the Federal Constitution of 1824.

"Spec. Second. That the said Henry Smith, provisional governor as aforesaid, did on or before the 17th day of December, ult., without the advice or consent of the general council direct the commanding general of the regular army of Texas, to issue army orders to James Bowie, to arrange and conduct an expedition against Matamoros at the public expense, said Bowie not being an officer of the government nor army, as proven by exhibit No. 1, given as a part of this specification.

"Spec. Third. For attempting to prorogue or dissolve the general council, contrary to the 110th article, under the fourth section of the Federal Constitution of Mexico, and declaring his intention to assume all the functions and powers of the provisional government, and to control the destinies of the good people of Texas, by forcible dispersion of their representatives in general council assembled, as shown by the general tenor of a communication made to said council, dated the 9th day of January inst., and by oral declaration to that effect.

"CHARGE SECOND.

"Spec. First. That the said Henry Smith, as provisional governor aforesaid, has neglected and refused to coöperate with the Mexican citizens opposed to centralism, and endeavored to prevent the general council from sending support and assistance to members of the Mexican Republic, as especially extended in the second article of November 7th, 1835. First—By throwing difficulties and obstacles in the way of Colonel Gonzales, and the party under his command, who late in the month of November, asked the support and assistance of the provisional government, which was extended to him by the general council; the said Henry Smith, provisional governor as aforesaid, opposing the council in the measure, and intriguing and managing with the citizens to render this act of the general council obnoxious, and by writing to the officer in command of the colonial troops, that he had no faith in him (Colonel Gonzales), and directing the said commander to keep a strict eye on him and if he should seem not to act in good faith, to arrest him and his men, disarm them, and hold them as prisoners of war, subject to his order; and Second—For attempting to throw obstacles and difficulties in the way of General Mexia, to prevent him in uniting in the general cause against centralism; and endeavoring to thwart and prevent the general council from performing their duty towards General Mexia and his men, as required of them by the second section of the declaration of the 7th of November, 1835. And lastly, by a general, clamorous, open and vindictive opposition to the provisional government acting in any manner under the said section of the declaration aforesaid.

"CHARGE THIRD.

"Spec. First. That the said Henry Smith, provisional governor as aforesaid, is guilty under this charge, by his conduct and declarations as set forth and stated in all the several specifications under the charges first and second.

"Spec. Second. That the said Henry Smith, provisional governor as aforesaid, did, on or about the 9th day of December, 1835, commission Edward Burleson, a brigadier-general of the volunteer army, etc., without the knowledge, advice or consent of the general council, and on the said 9th day of December, 1835,

addressed a letter to the said Edward Burleson, declaring his assumption of powers, not vested in him by the organic law, all which will more fully appear by a copy of said letter given as a part of this specification.

“Spec. Third. That the said Henry Smith, provisional governor as aforesaid, did on the evening of the 10th day of January inst., state that he had been for the last two weeks constantly employed in counteracting the proceedings of the general council, and that the dissolution of the council would be right, and not productive of injury, which declaration, he also continues in his communication, read before the council on the same day.

“Spec. Fourth. That the said Henry Smith, provisional governor as aforesaid, without the advice, authority or consent of the general council, did on or about the ninth day of December, ult., extend commissions to the following private individuals, viz: names in the possession of the secretary of the executive, and out of the power of the committee to obtain.

“CHARGE FOURTH.

“Spec. First. That the said Henry Smith, provisional governor as aforesaid, has been guilty of a gross libel upon the council as a body, in his communication dated January 9th, 1836, by charging the council with resolving itself into low, intriguing, caucussing parties; passing resolutions without a quorum, predicated upon false premises; that he falsely and maliciously charges the council with endeavoring to ruin the country, by countenancing, aiding, and abetting marauding parties, and by attempting to join with it a piratical coöperation; by charging the council with violating their official pledges and oath; by chargng them with a desire to sacrifice their country at the shrine of plunder; by charging the council with corruption and deception; by using toward them foul and scurrilous language, and vile epithets, calling members scoundrels and parricides, and descending to low ridicule of natural infirmities of individual members, and for many other false, malicious, and libelous charges against said council contained in the aforesaid communication.

“Spec. Second. That the said Henry Smith, provisional governor as aforesaid, in the same communication referred to in specification first, under charge fourth, has been guilty of grossly

libelling individual members, in language degrading to his official station, and thereby endeavoring to bring individual members into ridicule and contempt.

"Spec. Third. That the said Henry Smith, provisional governor as aforesaid, did, in the presence of one of the members of the general council and other citizens present, utter and publish slander of individual members and of the council generally, originating in vindictive malice, caused by the council's exercising their constitutional right of passing into ordinances, acts which he had given an executive veto, at the same time declaring his determination of introducing schisms into the council.

"Spec. Fourth. That the said Henry Smith, provisional governor aforesaid, through the medium of spies and tale bearers, and by low intriguing management with such description of persons, seeks to procure information of the proceedings and opinions of the council and of its members, endeavoring to pry into the sanctity of its secret sessions, which he himself recommends, and listens to false and malicious representations, such as are to be expected from the class of persons who would be employed for such vile purposes.

"Spec. Fifth. That the said Henry Smith, provisional governor as aforesaid, shows his official inconsistency and mismanagement; First, by his communication of the — day of January, when he commends the patriotism of McKinney and Williams, and after appointing the same Mr. McKinney to take charge of the government vessel, he in a communication dated January 9th, calls the same McKinney a deceiver and a land pirate. Second, he strongly recommended the commanding general to treat with the Cherokee Indians of the east, in a few days afterwards, orders him several hundred miles to the west; he recommended the purchase of the vessel of McKinney and Williams, when a member of the committee of safety of Columbia, and now endeavors to embarrass and defeat the execution of the same contract.

"Spec. Sixth. That the said Henry Smith, provisional governor aforesaid, manifested his contempt of the powers and authority of the general council by appointing officers without the consent of the general council, as set forth in specifications second, third, and fourth under charge the third.

"Spec. Seventh. That the said Henry Smith, provisional gov-

ernor as aforesaid, neglected and refused to instruct the commissioners treating with the Cherokee Indians, agreeably to the resolutions of the general council. He usurped the rights of the council in transcending his authority for giving them instructions, especially to procure the proper officers for the navy. He exercises the executive veto, to gratify private malice, and without regard to reason, truth or consistency, with manifest disposition to exercise dictatorial powers over the representatives of the people. He has by his communication of the 9th of January, inst., attempted to dissolve the provisional government of Texas, by endeavoring to alarm them with proclamations, interdicting communications between the departments of government, and declaring the general council adjourned until the first of March next, unless the representatives of the sovereign people would yield to humiliating concessions and conditions dictated by himself, and yield themselves the slaves of his will and pleasure.

“Committee—

“R. JONES, Chairman.

“R. R. ROYALL.

“JESSE BURNHAM.

“E. COLLARD.”¹

The address to the people of Texas, adopted at the same time and sent to the printer for publication, attempted to explain the causes that impelled the council to depose the governor. After stating a number of charges against Governor Smith, which are in substance the same as those given above in the charges and specifications, the address quoted at length from the message of the 9th, especially the part reflecting on the “infirmities of individual members,” and the clause stating that the services of the council were no longer needed. Thus it sought to justify its action in deposing the governor on the ground that he had first “played Cromwell” by ordering them to disperse.²

His wrath having somewhat abated in the meantime, Smith sent in a communication on the 12th, partially apologizing for the harsh language of the previous message, and expressing a desire for a reconciliation. The council, however, adopted a resolution declaring that it was too late for a compromise, as it had already

¹*Journal*, 303-307.

²*Ibid.*, 297-302.

issued an address to the people setting forth the reasons for its action.¹

Smith retaliated by sending in a message of defiance on January 13th. Among other things, he said, "After formally breaking [with] me you have been kind enough to summon me to a formal trial, leaving the alternative to myself to choose a tribunal before whom I would be tried, whether before your own body, before whom I had already been condemned, or before my peers in convention. Reason it would seem would direct the latter alternative. I at all times hold myself answerable and amenable as a public officer to my peers and to none other." He then went on to say that he had received a copy of the charges and specifications against him, and that he was ready to make his defense before the convention. He charged that a legal quorum was not present when the council deposed him, some jurisdictions having two representatives, some not being represented at all, and others that had been legally abolished still retaining their members.²

In regard to the deposition of the governor, two questions are to be considered: first, was there a quorum present on January 11th, and, second, could the council, according to the plan of government, depose him if there had been a quorum? The first question involves considerable difficulty. The plan provided that two-thirds of the "members elect" should constitute a quorum (Art. 3). It is hard to determine who were at any particular time, the "members elect" of the council. The original members, present at the first meeting of the council on November 14th, were elected one from each municipality by a "majority of each separate delegation present" in the Consultation. The plan had further provided that a vacancy in the council should be filled by some other delegate to the Consultation from the same municipality (Art. 3.) The council had elected supernumeraries from each municipality in order to fill vacancies as they might occur, but, whether elected by the council itself or by the delegations to the Consultation, the subsequent members were regarded, theoretically at any rate, as having been members of the Consultation. This is seen from the fact that when a new member came into the council he first presented his credentials as a delegate to the Consultation.

¹*Journal*, 307-309.

²*Ibid.*, 312-313.

It is true, that, at different times, twenty-one municipalities had representatives in the council, but they were never all represented at once, and it does not necessarily follow, as Brown alleges,¹ that fourteen members were necessary to form a quorum, unless at that time the entire twenty-one were known to have been "members elect." Most of the prominent members of the Consultation were at the front with the army a considerable portion of the time, and refused to return to San Felipe and serve in the council. The very fact that, on January 16th, the council adopted a resolution requesting that "the acting governor be notified of the municipalities unrepresented and require the attendance of one of the members to the late Consultation from each municipality," shows that these municipalities did not have "members elect," or else the resolution would have said, "require the attendance of the *members elect*." Havng failed to decide the question by an appeal to the plan of government, we may search the pages of the journal and find out what the council itself regarded as a quorum. On January 5th, at the evening session, there were eleven members present and this number was decided not to be a quorum.²

The council had very often, however, adopted measures when twelve members were present, as for example, on January 8th, when it passed over the governor's veto, by a vote of eleven to one, the resolution to purchase certain vessels from McKinney and Williams.³ Thus we may conclude that it regarded at least twelve members necessary to form a quorum. The exact number present on January 11th cannot be obtained, but on January 7th there were twelve present and the same number on January 16th.⁴

As to the second question, whether or not the council could legally depose the governor, even if a quorum were present, a reference to the plan of government will be sufficient. Art. 11 says, "On charges and specifications being made against any officer of the provisional government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council;

¹*History of Texas*, I 487, footnote.

²*Journal*, 263.

³*Ibid.*, 279.

⁴*Ibid.*, 279, 340.

and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor." According to this provision it would seem that the council should first have tried the governor before deposing him, and therefore its acts of deposition was invalid. Be that as it may, the governor's attempt to prorogue the council preceded its act of deposition and the latter is no more an act of usurpation than the former.

The breach between Smith and the council was now complete. A very brief summary of their relations up to the assembling of the convention may be worth while. After that it will be necessary to show the disastrous effects of this unfortunate quarrel.

The council resolutely adhered to its policy and recognized Robinson as "acting governor," and always spoke of Smith as the "late governor." The executive secretary, C. B. Stewart, was instructed to cease all communication with Smith and hold himself subject to the orders of acting governor Robinson. He refused to do so and was tried by the council for contempt and fined two thousand five hundred dollars. Of course the council had no means of coercion, and the fine was never paid.¹

Robinson sent in his first message on January 14th. It was a long and somewhat bombastic document denunciatory of Smith and full of praise for the council. He strongly urged the prosecution of the war against the centralists and the immediate reduction of Matamoros.

The council foresaw that, owing partly to the anxiety of some of its members to join the army, it would soon be without a quorum, as actually happened on January 17th, and it passed resolutions providing for a number of standing committees with very extensive powers, and also an ordinance conferring certain powers on the acting governor, "in the event of there not being a quorum present."²

A resolution was also passed requiring the "late governor, Henry Smith," to deliver up the papers, records, etc., of the executive department, and providing that force was to be used, if necessary, to carry out the resolution.³ The council could not use force, however, and Smith not only refused to give up the papers, but, on February 2d, ordered the council to give up certain papers in its

¹*Journal*, 311, 328, 339.

²*Ibid.*, 344-345; *Ordinances and Decrees*, 145-147.

³*Ordinances and Decrees*, 144-145.

possession belonging to the executive department, threatening to order immediately the arrest and transmission of the members to the post of Bexar to be tried by martial law, if they did not desist from their injurious and disorganizing operations."¹

The council at no time had a quorum after January 17th, though a few faithful members met and adjourned from day to day until after the Convention assembled in March. On February 15th, Barrett, the soul of the opposition to the governor, resigned his seat because of ill health.²

On the following day, February 16th, the council adjourned to meet in Washington on the 22d, in order to be in that place when the Convention should meet.³

Before considering the March Convention, it will be of interest to see how the people of Texas were viewing the troubles between Smith and the council. I have gone over a number of letters of this period, both published and manuscript, and have obtained substantially the following information: the long quarrel had about disgusted the people, and the deposition of the governor aroused very little feeling either of approval or of disapproval. It is true, the little garrison at Bexar, treated so harshly by Johnson and Grant on their departure, actively espoused the cause of Smith and even held an "indignation meeting" on January 26th, protesting against the action of the council. A letter from Dr. Pollard, surgeon of the post, to Governor Smith well illustrates the temper of the Bexar troops. "I perceive," says he, "that the tory party have bought up your council and instead of being an assistant to you as intended they have usurped the government to themselves, but the people will not stand this—you will see by our resolutions here that we are determined to support you at all hazards."⁴ Of course the men under the command of Johnson and Fannin were, as a rule, partisans of the council. But the masses of the people seemed to take very little interest in the matter at all. Even men who had been members of the council were forced to acknowledge this, as the extract given below will show. In a letter to the council, writ-

¹*Journal*, 351-352.

²*Ibid.*, 355-356.

³*Ibid.*, 356-357.

⁴Pollard to Governor Smith, January 27, 1836. MS., State Archives.

ten from Nacogdoches by Mr. Wyatt Hanks, under date of February 2d, the following language is used: "The people I saw and conversed with along on the road to this place did not attach any blame to the council for deposing Smith—those persons who did not approve of it seemed indifferent and careless about it. The citizens of Nacogdoches think it was a most ridiculous and outrageous affair to write such a message."¹ Of course this account and the following one from Royall, coming as they did from men who had been prominent in the council at the time of the governor's deposition, are to be taken with a grain of allowance, but they seem to indicate that the people were not taking very active interest in the matter. In a letter to the council from Matagorda, under date of January 27th, Mr. Royall says: "Some diversity of opinion prevails as to Smith's conduct. But much the larger portion are in favor of the council. Those who would advocate him are his old friends and say they cannot believe him dishonest. I am confident it is necessary to have his compromising message printed and the reply of the committee. We cannot deal delicately with the subject. The truth and all the truth must be known. Smith is writing to his friends in an exciting and appealing manner saying he is apprehensive of being assassinated."²

Another letter throwing some light on the progress of the quarrel is one from Acting Governor Robinson to Col. William Christy, a devoted and valuable friend to Texas. After telling of the circumstances which led the council to depose Smith, Robinson went on to say, "his [Smith's] acts, in openly and violently attempting to dissolve the legislative council and ordering the arrest of its members by military force, and the transportation to the most frontier post (San Antonio) to be tried by martial law, is treason and the said Smith has been served with a copy of charges and specifications of treason."³

Thus, when the Convention met in the city of Washington on March 1st, Smith was laboring under the burden of two different sets of charges and specifications. That body, however, showed its wisdom by refusing to take any notice of the quarrel at all. The truth of the matter is that it had much more urgent work to do.

¹Hanks to council, February 2, 1836. MS., State Archives.

²Royall to council, January 27, 1836. MS., State Archives.

³Robinson to Christy, February 5, 1836. MS., State Archives.

A declaration of independence was adopted on the 2nd and a constitution for the Republic on the 17th, though the latter was not to be formally effective until adopted by the people. A provisional government was to operate in the meantime, with Burnet as president and Lorenzo de Zavala as vice-president.

Governor Smith made a report to the Convention in which he berated the council for "infringing upon the prerogative of the commander-in-chief" and for its loose method of dealing with the finances, and he further stated that, as the council had complied with all the duties assigned to it, it had been adjourned on January 9th until the 1st of March.¹

The council made reports on March 8th and 11th couched in very moderate language. It said that the unfortunate difficulties which had arisen between the different branches of the government had somewhat crippled its operations, but that an examination of its work would show "that the necessary laws" had "been passed to prepare the country for a vigorous defense against her enemies."²

The Convention, on March 11th, adopted a resolution requiring "the late governor, Henry Smith, the late lieutenant-governor, Jas. W. Robinson, the late council," and other officers to give up the various books, papers, correspondence, journals, etc., in their possession.³ It will be seen that, in adopting this resolution, the Convention refused to take sides in the quarrel. Each party hastened to give up the papers in its possession, and the new provisional government of the Republic soon assumed authority. The actual quarrel was thus ended, but its baneful influences could not be stopped. The following chapter will be devoted to a discussion of these effects. Meanwhile, it might be of interest to say a few words about the subsequent career of Governor Smith. He ran for president of the Republic in September, 1836, but was defeated by his old friend, General Houston. He was, however, appointed Secretary of the Treasury by Houston, which position he filled very creditably. When the gold fever broke out in 1849, he emigrated to California, and his old rival for gubernatorial honors, Jas. W. Robinson, went with the same expedition. Both died and were buried

¹Report of Smith to Convention, Brown, *History of Texas*, I 560-562.

²*Journal*, 361-363.

³Brown, *History of Texas*, I 563.

in California, Smith, in 1851, in the wilds of what is now Los Angeles County, and Robinson, in 1853, at San Diego.¹

IX.

MATAMOROS EXPEDITION (CONCLUDED): DISASTROUS EFFECTS OF THE QUARREL.

The series of disasters now to be discussed will be a sufficient commentary on the evil effects of the discord in the civil department of the government. They are: first, the fall of the Alamo; second, the destruction of Johnson's and Grant's commands; third, the massacre of Fannin's men.

As to the fall of the Alamo, it is very easy to trace it directly to the civil strife. It will be remembered that, on December 30th, Colonel Grant had left Bexar at the head of an expedition to Matamoros, and that Colonel F. W. Johnson, after ordering Lieutenant-Colonel Neill to destroy the fortifications in the town and take up his position in the Alamo, had gone by way of San Felipe to have the expedition legalized. The small force of one hundred men, most of whom were ill and poorly equipped, was of course inadequate to hold the Alamo against a strong assault. It was doubtless believed by some that the success of the Matamoros expedition would relieve the necessity for a strong force to hold Bexar.

Lieutenant-Colonel Neill, however, apprehending that he would be attacked by a large force, wrote, on January 14th, to General Houston at Goliad, asking for aid.² Houston promptly dispatched to his assistance a small force under Col. James Bowie, and requested him to destroy the Alamo and retire with the artillery. This he could not do for lack of teams. Governor Smith also responded to an appeal for help made to him by letter of January 6th³ and ordered Colonel Travis, with the men of his command, to pro-

¹Vide Brown, *Life of Henry Smith, passim*, and Thrall, *History of Texas*, 605, 621.

²Neill to Houston, Brown, *History of Texas*, I 530. Governor Smith, after finding that the council was determined to make the Matamoros expedition, and had given authority to Johnson and Fannin, ordered the commander-in-chief to the front. Accordingly, he left Washington on January 8th, and reached Goliad on the 14th. While here he received the request for aid above referred to.

³Neill to the governor and council, Brown, *History of Texas*, I 529-530.

ceed to Bexar. Travis arrived there early in February, and Neill, temporarily retiring to his home, left him in command. Travis immediately issued a call for more troops. In a letter to the governor, of February 14th, he stated that he had command of the regulars and the volunteer cavalry and that Bowie had the command of the other volunteers of the garrison.¹ This small garrison of one hundred and fifty men² was forced to confine itself exclusively to the Alamo, after February 23d, by the arrival of two thousand Mexicans commanded by General Santa Anna in person. Travis again called for aid on the 23d, and on the 24th wrote his famous letter, in which occurs the expression, "I shall never surrender or retreat."³

The siege began on February 23d and lasted until March 6th. Suffice it to say that after a stubborn and heroic defense the place was taken and every man was killed,⁴ only a servant boy and two or three women and children being spared.

The foolish quarrel at San Felipe between Smith and the council was the direct cause of this disaster. Had they acted in harmony the bloody massacre of the Alamo would have been avoided. The blame of the matter is usually laid to the council for encouraging Johnson and Fannin in their schemes against Matamoros and thus leaving Bexar in such a defenseless condition. It seems very plain, however, that the evil effects cannot be laid to either of the two separately, but were the inevitable result of the division between them.

"The Federal Volunteer Army," after leaving Bexar on December 30th, proceeded slowly toward Goliad and Refugio and at the latter place was joined by Colonel Johnson on January 20th. General Houston, meanwhile, had arrived at Goliad on the 14th of Jan-

¹Travis and Bowie to Smith, Brown, *History of Texas*, I 536. In thus addressing all communications to Gov. Smith, it is evident that Travis, Houston, Bowie, Neill, the commissioners to the United States, and others, still regarded Smith as the legal governor of Texas.

²Jameson to Smith, February 11th, and Williamson to Smith, February 25th, Brown, *History of Texas*, I 537.

³This sentence is engraved on the south side of the Alamo monument in the State capitol grounds. The ringing sentiment will never fail to stir the blood of the patriotic Texan.

⁴This calls to mind another motto on the monument above referred to: "Thermopylae had her messenger of defeat, the Alamo had none."

uary and gone on from that place to Refugio. His actions at both these places are indicated in a letter of January 30th from Colonel Johnson to the council: "Much mischief has been done during my absence by disorganizers both at Goliad and Refugio, founded on claims of the commander-in-chief of the regular army to direct the movements of the volunteers. One company (Wigginton's) was dissolved at Goliad and only a small fraction came on to the Mission. Three other companies (Cook's, Burk's, and Lawrence's) with the fraction alluded to remain at the Mission, under the impression that they were not authorized to move with me without express orders to that effect from General Houston."¹

It may be of interest to notice here that at least three of the officers mentioned above, Cook, Burk, and Lawrence, had, on December 25th, signed their names to a protest against General Houston's claim of authority over them, in which the following language was used: "In no case do we consider ourselves subject to variations or any infringement of our privileges during the term of our services, nor indeed, could we induce our men under any circumstances to subject themselves to the organic law of the regular army, or to serve under any other terms than those under which they have at present volunteered."²

At Refugio, General Houston made a speech to the men in which he declared the expedition both unwise and unauthorized. The troops that he persuaded to leave Johnson soon joined his own command.³

Johnson and Grant, their forces now reduced to less than one hundred men, marched on to San Patricio, where they were to await the arrival of Colonel Fannin, then at Velasco raising troops, and make a combined attack on Matamoros. They busied themselves meanwhile, through the month of February, in capturing horses and other necessities to be used in the Matamoros expedition. On one of these forays they had gone to within twenty or twenty-five miles of Sal Colorado when the forces divided, Johnson with less than half the men returning to San Patricio and Grant with the remainder pushing on in search of more horses.⁴

¹Johnson to general council, January 30. MS., State Archives.

²MS., State Archives.

³F. W. Johnson in *Texas Scrap Book*, 81.

⁴Ibid.

General Urrea, in the meantime, had arrived in Matamoros on January 31st and left there with about nine hundred or one thousand men on February 18th.¹ He arrived at San Patricio on the 27th, surprised the garrison of some forty men, and killed all of them except Johnson himself and four others.² General Urrea then proceeded to search the country for Grant's men, and came up on them, March 2nd, about twenty miles from San Patricio, to which place they were returning. The small company was immediately surrounded by the Mexican dragoons and cut to pieces, only two out of about fifty escaping. Reuben R. Brown, a private, was taken to Matamoros and imprisoned for several months, but he finally made his escape. Our knowledge of these affairs is obtained from the account of Mr. Brown and that of Colonel Johnson.³

After escaping the clutches of Urrea, Johnson fled across the country to San Felipe de Austin. On March 8th, he reached Lacy's on the Colorado, and from that place wrote to the Convention, in session at Washington, telling of the destruction of his command and urging that aid be sent to Colonel Fannin.⁴

Fannin, after receiving his appointment as "agent of the provisional government," had proceeded to Velasco about January 10th, from which place he proposed to sail on the 18th with the convoy to carry volunteers to Copano. A letter to the council shows that he was still at Velasco on the 21st. In this communication he expressed a perfect willingness to serve under General Houston, if that officer could only be persuaded to head the expedition and execute the orders of the council.⁵ He must have left soon afterward, for he was at the Refugio mission on February 7th. On that day he addressed a communication to the provisional government in which he informed it of the approach of Santa Anna and the necessity of now making defensive instead of offensive operations. Before sending the letter of the 7th, he wrote a few additional paragraphs on February 8th, telling of an election that had been held in the army. He himself had been elected colonel, and Major Ward,

¹Bancroft, *North Mexican States and Texas*, II 221-222.

²*Texas Scrap Book*, 82.

³Both accounts are given in Brown, *History of Texas*, I 542-548.

⁴Johnson to Convention. MS., State Archives.

⁵Yoakum, *History of Texas*, II 467.

another Georgian, lieutenant-colonel. He further said that he had sent forward a reinforcement to San Patricio to bring off the artillery and order a concentration of troops at Goliad.¹

With something over four hundred men under him,² he at once took up headquarters at Goliad and kept the government informed of his movements by almost daily letters. On February 14th, in one of these communications, he again expressed the desire to see General Houston at the head of the troops. General Houston, in the meantime, had been furloughed by Governor Smith, on January 28th, until March 1st. He at once retired to the east, and, together with a Mr. Forbes, negotiated a treaty with the Cherokee Indians. The Convention, however, re-elected him commander-in-chief on March 4th, and he at once set out for Gonzales, where there were some three hundred and fifty men ready for service.³ He arrived there and established headquarters on March 11th. Having received news of the fall of the Alamo, on the 11th, he at once sent an order to Colonel Fannin to blow up the fortress at Goliad and immediately fall back to Victoria on the Guadalupe. This order was received by Fannin on the 14th or 15th,⁴ but he did not commence his retreat until the 19th. This delay was not with any intention of disobeying orders, as has frequently been alleged, but was brought about by the following causes: on March 12th,⁵ Colonel Fannin had dispatched Captain King, with his company of about thirty men, to Refugio Mission, to bring away some families who were alarmed by the appearance of the Mexicans under Urrea. On his arrival, King found the enemy in possession of the place and, taking up his position in the old stone church, sent an express to Goliad for reinforcements. Lieutenant-Colonel Ward, with about one-hundred and twenty men, hastened to his aid, and, on the morning after his departure, Fannin received the order above

¹Fannin to general council, Foote, *Texas and the Texans*, II 201-205.

²Shackleford's account in Foote, *Texas and the Texans*, II 227-228. This Shackleford was a captain under Fannin, and his account of the destruction of Fannin's command is perhaps the best original one we have.

³Foote, *Texas and the Texans*, II 266.

⁴Baneroft (*North Mexican States and Texas*, II 226) says on the 14th, but Shackleford (Foote, *Texas and the Texans*, II 228-229) says that it was received during the morning after Ward's departure, which he places on the 14th.

⁵Shackleford in Foote, *Texas and the Texans*, II 228.

referred to. He at once dispatched an express to Ward ordering his return, and began preparations for the retreat. No news being received from Ward, express after express was sent, all of whom fell into the hands of the enemy. On the morning of the 19th, though very loth to leave King and Ward to their fate, Fannin saw that he could delay no longer, and accordingly set out on his retreat. His force of about three hundred men was composed almost exclusively of volunteers from the United States. They proceeded slowly and without molestation until within about five miles of the Coleta River, a small stream flowing into the Guadalupe a short distance below Victoria. Disregarding the solicitations of Captain Shackleford to push on to the timber skirting the river, Colonel Fannin ordered a halt of an hour to allow the teams to rest. The march was then taken up again, but when the troops were about a mile and a half from the river they were surrounded by a large body of Mexicans. An engagement took place which continued until after Sunset. Many of the Americans were wounded and the suffering from thirst during the night was intense. At daylight the next morning, March 20th, it was seen that the enemy had received a large reinforcement during the night. Colonel Fannin, seeing the utter futility of further resistance, called a consultation of his officers, and it was decided to surrender, if honorable terms could be obtained from the enemy. The white flag was accordingly raised, and the Mexicans responded to it. Terms of capitulation were agreed upon, which provided that both men and officers should be treated as prisoners of war according to the usages of the most civilized nations, and should be sent to Copano and from thence to the United States within eight days.¹ This is the account given by the survivors, but General Urrea maintained in his diary and in his report to Santa Anna that they surrendered at discretion, and that he simply promised to interpose with Santa Anna in their behalf.²

The entire command was hurried back to Goliad and placed under a strong guard, to wait, as was said, until a ship could be chartered to carry the men back to the States.

Before treating of their further adventures, it will now be necessary to go back and take up another thread of events. On his

¹Shackleford in Foote, *Texas and the Texans*, II 238-239.

²Diary of General Urrea, quoted in Brown, *History of Texas*, I 617. Vide Bancroft, *History of Mexico*, V 170-171.

arrival at Refugio, Ward had a dispute with King as to who should command the united body of troops. They could not agree, and the result was a division of forces, King's command, together with a few of Ward's men, leaving the church and taking up a position in the woods near by. They were almost immediately surrounded by the enemy, and, with one or two exceptions, the whole company was slaughtered. Ward, meanwhile, held his position in the church until he received an order from Fannin, sent on the eve of his departure from Goliad, to join him at Victoria.¹ He made ready at once to obey the order, but, as we have already seen, Fannin himself never reached Victoria. Accordingly, when Ward arrived at that place on March 21st, he found the enemy in possession and was forced to retreat to the swamps. On the next day his ammunition gave out, and he and his men were compelled to surrender. They were at once marched to Goliad, to swell the number of prisoners already captured at the Coleto.

These brave men, to the number of about three hundred and seventy-one, were marched out on Palm Sunday, March 27th, and three hundred and forty-four of them shot to death. The remaining twenty-seven managed to escape. A few physicians, among whom was Dr. Shackelford, captain of the Alabama Red Rovers, were spared because the wounded Mexicans needed their services.

The total number of men killed in the Alamo and under Fannin, Johnson, and Grant, was approximately six hundred and fifty-three, divided as follows: at the Alamo, one hundred and eighty-three; under Fannin, three hundred and eighty-five; and under Johnson and Grant, eighty-five.² Thus the division in command which grew out of the quarrel between Governor Smith and the council was directly responsible for the brutal massacre of more than six hundred brave men. The moral effect in preventing other volunteers from coming from the United States is incalculable.

It is not worth while here to go into a detailed account of the subsequent campaign under General Houston, which ended with the victory at San Jacinto on April 21st,³ but attention must be called to one fact which shows still another pernicious result of the

¹Baker, *Texas Scrap Book*, 144.

²Brown, *History of Texas*, I 623-624; Shackelford in Foote, *Texas and the Texans*, II 244; Bancroft, *North Mexican States and Texas*, II 235-236.

³*Vide* monograph by E. C. Barker in *THE QUARTERLY*, April, 1901, (Vol. IV, No. 4).

quarrel: since Santa Anna and his generals were now in Texas and had captured all the frontier strongholds, General Houston was compelled to fall back toward the east, and thus a large part of the country was given over to the ravages of an invading army. Had there been unanimity between the governor and council, and harmonious action between the regular and volunteer armies, Matamoros might have been captured in December, or at any rate, the posts on the San Antonio river might have been fortified and the war kept out of the settled portion of Texas. As it was, Texas could never have recovered from the severe blows received at Goliad and the Alamo had it not been for the active help of friends in the United States.

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GENEALOGICAL AND HISTORICAL REGISTER OF THE
FIRST GENERAL OFFICERS OF THE DAUGHTERS
OF THE REPUBLIC OF TEXAS ELECTED IN 1891.

Records of the services of Anson Jones, Andrew Briscoe, Wm. Houston Jack, Sidney Sherman, Orlando and James Phelps, and John R. Fenn, whose wives and daughters were the first general officers of the Daughters of the Republic of Texas. These records are free copies of applications for membership which are filed with the Secretary of the General Society.

Mrs. Mary Smith Jones, President, 1818 Prairie Ave., Houston, Texas, wife of Anson Jones, last President of the Republic of Texas. Descendant, namely, daughter of John McCutchen Smith and Sallie Pevahouse.

Doctor Anson Jones was born in the town of Great Barrington, Massachusetts, on the 20th day of January, 1798. He lived in Brazoria County, Texas. He commenced his services for Texas by bringing about the first public meeting held to advocate the declaration of Texas independence from Mexico, and presented resolutions calling for a convention which met at Washington on the Brazos soon after. Other such calls had been made in the meantime. This call was to meet in Columbia, and the meeting was held there December 25, 1835. Texas was then in a state of war. Dr. Jones then joined the army, first as a private soldier in Captain Calder's company 2nd Texas regiment, infantry; he was soon after appointed surgeon and served in this capacity at the battle of San Jacinto, April, 21, 1836. In the summer of 1837 he was elected to Congress from Brazoria county; in July, 1838, was appointed minister to the United States; was absent from Texas eleven months, and upon his return June 29, 1839, found that he had been elected senator from Brazoria county for two years to fill out the unexpired term of the Hon. Wm. H. Wharton, just deceased. While senator he was elected acting President of the Senate in the absence of the Vice-President of the Republic. In 1841 he was appointed Secretary of State, during Gen. Sam Houston's second administration, and served thus for three years, when in 1844 he was elected President of the Republic of Texas. His inauguration took place on the 9th of December, 1844, in the town of Washington on the Brazos.

Annexation was a pet scheme of Dr. Jones's long before it became a popular measure of government policy. As Secretary of State he had fostered it, and finally it was under his administration as President of the Republic of Texas that the great measure was consummated and also that our independence from Mexico was acknowledged. Both measures, I claim, were successfully accomplished during his short term as President of the Republic of Texas. Doctor Anson Jones died in Houston, January 9, 1858, and is buried in Glenwood Cemetery, near our son C. Anson Jones.

My parents were married in 1816 in Lawrence county, Arkansas Territory. I was born July 24, 1819, in Arkansas Territory; came to Texas with my parents in the fall of 1833, and have resided here ever since. No one can ever know the vicissitudes I have passed through, but in all the relations of life I have ever tried faithfully and prayerfully to do my whole duty according to the light I have had.

Mrs. Mary J. Briscoe, 1st Vice-President, 620 Crawford St., Houston, Texas, wife of Judge Andrew Briscoe. Descendant, namely, daughter of John R. Harris and Jane Birdsall, his wife. John R. Harris was one of Austin's first 300 settlers, but I claim admission by right of my husband's services, which were as follows:

Andrew Briscoe was born in Adams County, Mississippi, on the 25th day of November, 1810, and came to Texas in the winter of 1832 and 1833. In 1834 he brought a stock of goods to Anahuac on Galveston Bay near the mouth of the Trinity river. There, in June, 1835, in company with my brother, D. W. C. Harris, who came from Harrisburg to purchase goods, he was arrested and put in prison. An acquaintance, Wm. Smith, who came towards them as they were being marched off, was shot down, the ball penetrating his right side. My husband, they said, would be infringing upon the custom house laws if he moved any of his goods from Anahuac. As they could make no charge against my brother, they released him the next day and he returned to Harrisburg and made a report of what had happened, which was sent to the authorities at San Felipe. Wm. B. Travis, who was a warm friend of my husband, lost no time in going to his rescue. The Mexicans had released my husband before Travis and his company arrived, but that did not prevent Travis from disarming Capt. Tenorio and his company and marching them to Harrisburg, where they were kept several days,

then sent to San Felipe and thence to Bexar. This event was speedily followed by an order from the Mexican government to arrest Lorenzo de Zavala, Travis, and others, and to place military garrisons in all towns and disarm all the inhabitants.

Upon this arbitrary measure being made public, my husband immediately began to co-operate with other patriots in arousing the people to a feeling of proper indignation. He wrote and published addresses, issued circulars which he and my brother printed with a pen so they could the more easily be read by all; and when the first troops were raised he, in command of the "Liberty Volunteers," joined the army which, under Stephen F. Austin, was marching on Bexar. On approaching that place he, in company with Fannin and Bowie, was ordered to select a camping ground for the army, and having proceeded as far as the Mission Concepcion they were there engaged in the battle of that name.

My husband was one of the three hundred volunteers who followed Old Ben Milam to the attack and capture of San Antonio de Bexar in December, 1835. Having been elected by the municipality of Harrisburg a member of the Convention to assemble at Washington March 1, 1836, as soon as he was informed of his election, he left the army on horseback, reaching Washington on the afternoon of March 10th.

He affixed his signature to the Declaration of Independence by that of his colleague, Lorenzo de Zavala. He remained in attendance at the Convention until its dissolution, March 17th, when he received a commission to raise a company of regulars (infantry). While in command of Company A, Millard's Regiment, he took part in the battle of San Jacinto. On the election of General Houston to the presidency, he appointed my husband Chief Justice of Harrisburg County (afterwards Harris). After the expiration of his term of office, in 1840,, my husband retired to private life. He died in New Orleans, October 4, 1849, and is buried in the Briscoe plantation cemetery, Claiborne County, Mississippi.

Harriet Patrick Ballinger, 2nd Vice-President, wife of William Pitt Ballinger, daughter of William Houston Jack and Laura Harrison.

Wm. Houston Jack was born in Wilkes County, Georgia, on the 12th day of April, 1806. He lived in San Felipe and Brazoria County, Texas, and served the cause of Texas independence and the Republic of Texas in the following ways:

He was a private soldier at Velasco, Goliad, San Antonio, and San Jacinto. In the last battle he was in Capt. Wm. H. Patton's company, 2nd Regiment of Texas Volunteers, Colonel Sidney Sherman commanding. He was Secretary of State under David G. Burnet, first President of the Republic of Texas, and several times a representative and senator in the Congress of Texas. He was the author of the Turtle Bayou Resolutions, writing them with a sharpened cane.

Mrs. Matilda Isabel Kendall, 3rd Vice-President, wife of Wm. E. Kendall, daughter of Sidney Sherman and Catharine Isabel Cox.

Sidney Sherman was born in Marlborough, Massachusetts, on the 23rd day of July, 1805. He lived in Harris and Galveston Counties, Texas, and served the cause of Texas independence and the Republic of Texas as follows:

In December, 1835, being then a citizen of Newport, Kentucky, he raised, organized, and equipped a cavalry company of fifty men for service in defense of Texas independence. On the 31st of December, 1835, he embarked with his company on a steamer at Cincinnati for Natchitoches, Louisiana, and from that point marched to Texas and tendered his services to the provisional governor of the Republic. Upon the organization of the army of Texas he was elected colonel of the 2nd Regiment of Texas troops, and served in that capacity throughout the campaign of 1836, which culminated in the battle of San Jacinto, April 21st of that year. He was elected and served as member of the Congress of the Republic of Texas, in 1842. He was elected and also served as Major General of the Republic of Texas in 1844.

Minnie Phelps Vasmer, General Secretary, wife of Judge Ernest H. Vasmer, daughter of Orlando C. Phelps and Mary Dudley Eubank, and granddaughter of Dr. James Æ. Phelps and Rosetta Adeline Yerby.

Orlando C. Phelps was born in Wilkinson County, Mississippi, on the 27th of January, 1822. He lived in Brazoria County, Texas. He was a member of the Mier Expedition and was taken prisoner at the battle of Mier, but liberated by Santa Anna's orders because of the fact that Santa Anna considered himself under obligations to Dr. James Phelps, who was father of O. C. Phelps. He is a member in good standing of the Texas Veteran Association.¹

¹Orlando Phelps died about eight years ago at Houston, and was buried in Glenwood Cemetery.

Dr. James Phelps was a member of Stephen F. Austin's colony of three hundred, having come to Texas in 1824. He was hospital surgeon in the Texan army and participated in the battle of San Jacinto. It was at his house at Orozimbo that Santa Anna was held a prisoner for four months. He died in 1847.

Miss Belle Fenn, Treasurer, 1117 Bell Ave., Houston, Texas, daughter of John R. Fenn and Rebecca M. Williams.

John R. Fenn was born in Lawrence county, Miss., September 11, 1824. He came to Texas with his parents, Eli and Sarah Fenn, in 1833. He was captured and taken to the Mexican General Almonte when a boy not eleven years old. He had been sent out to gather up some horses for his mother and other ladies to make their escape on, as it was rumored that Santa Anna's army was within nine miles of them. He made his escape the next day. He went with volunteers to San Antonio in the spring of 1842, when Vasquez under Mexican authority was placing Mexican officers in the city government. He went again to San Antonio in the autumn of 1842, when the Republic called for volunteers to defend her border and the city of San Antonio was being invaded by Mexicans under General Woll. This time he was in General Somerville's command and a member of Capt. Wm. Ryan's company.

MRS. ADÈLE B. LOOSCAN,
Historian, D. R. T.

BOOK REVIEWS AND NOTICES.

The leading article of the January number (Vol. VI, No. 1) of *Publications of the Southern History Association* is a review of *The Virginia Literary Museum*, a magazine published from June, 1829, to June, 1830, by the faculty of the University of Virginia. The rest of the number is devoted to documentary material and to book reviews. The first document describes the discovery of Lake Scuppernong (Phelps), in North Carolina. The next set consists of three letters from General Joseph Martin to Patrick Henry. And students of Texas history will be interested in the publication of a considerable mass of documents, begun in this number, on the early stages of the Texas Revolution.

The main articles in the January number (Vol. VII, No. 2) of *The American Historical Review* are: *An Undeveloped Function*, by Chas. Francis Adams, this being the presidential address delivered before the last meeting of the American Historical Association; *The Credibility of Early Roman History*, by Samuel B. Plantner; *Studies in the Sources of the Social Revolt in 1381*, I-IV, by George Kriehn; and *A British Privateer in the American Revolution*, by Henry H. Howland. The documents printed are *Papers of Sir Charles Vaughan*. The department of the *Review* devoted to book reviews increases in value with successive issues. In this number sixty pages are occupied by the leading reviews, fifteen by minor notices and fifteen more by the department of Notes and News, which is also largely made up of book notices. The high character and value of these reviews are assured by the well-known names subscribed to the leading ones.

By its frequent publication of careful translations of original documents, *Out West* (formerly known as *The Land of Sunshine*) is making its files a valuable source book of Southwestern history. The January number contains an important source hitherto unpublished in English. It is a critical translation of a letter from Don Miguel Costansó, dated at Mexico, October 9th, 1772, transmitting

to Don Melchor de Peramas two other letters, one from Fray Juan Crespi, at Monterey; the other from Fray Francisco Palou, biographer of the great missionary, Fray Junípero Serra. The March number prints a part of Serra's diary of his journey made in 1769 from the Mission of Loreto, Lower California, to San Diego. On page 280 is a clear *fac simile* of a page from the diary. Both of these documents are from the Ramirez collection in the library of Mr. Edward E. Ayer, of Chicago.

Carácter de la Conquista Española en América y in México segun los textos de los Historiadores Primitivos. Por Genaro García. (México: Oficina Tipográfica de la Secretaría de Fomento. 1901. Pp. 456.)

It would scarcely be extravagant to say that the industry, the conscientious and critical use of documents, and the boldness of thought apparent in this work make it highly creditable to the historical scholarship of Mexico.

The aim of the author is to give a true conception of the nature of the conquest, first by correcting the point of view, and second by carefully examining the sources. As to the point of view, he begins his introduction with the statement that 'from far back it was believed in Spain that there was nothing more meritorious before the people and before God than the slaughter of infidels,' and asserts that 'these ideas could not be extirpated by the scythe of civilization.' Then, touching briefly on the way in which they worked themselves out in the persecution of heretics, and especially of Jews and Moors, he concludes that 'given such antecedents, without entering into other considerations, it was to be predicted at the time of the discovery of America that the conduct of the Spanish conquerors, whenever they encountered face to face an idolatrous population, would be inhuman.' While it cannot be said that this is by any means a new suggestion, Señor García's use of it is distinguished by a peculiarly high degree of logical consistency.

As to the documents, Señor García claims that most of those sent to Spain by the *conquistadores* themselves were falsified by the senders in their own interest; and that, while some truthful representations of the facts did reach the Peninsula, they were rigorously kept secret for fear of decreasing the Spanish prestige, of rousing passion, and of sowing discord between the Spaniards in

the two worlds. The Spanish chroniclers, he avers, generally wrote in the same spirit and with the same suppression of the truth, the one prominent reliable witness being Las Casas. So 'the history of the conquest, grossly falsified, remained a series of laudatory panegyrics for the conquerors and severe diatribes against the natives.' Since, however, the principal Spanish-American colonies have become independent, the publication of the documents in their possession has been going on, though slowly; but in spite of this, modern historians, under the influence of the past, 'have continued making, perhaps unconsciously, of the conquest a deceptive picture in which the figures of the Spanish adventurers, although in some degree lessened, appear colossal still;' while the natives 'are seen so little and insignificant that they almost pass unnoticed.' 'It is necessary, then, that some voice, even if it be at the end of the Nineteenth Century, render due tribute to truth and justice, and at the same time to the outraged memory of the unfortunate natives of America.'

This will suffice to show Señor Garcia's conception of the task he has set himself. How faithfully he addresses himself to it, the pitiful story that he has put together from the sources—in large measure quoted literally—will testify abundantly. On this it is not worth while to dwell, but the reader will find in the footnotes abundant references by which the accuracy of the author can be tested.

One of the most valuable features of the work is an intelligently annotated bibliography, which students of Southwestern history will find very useful.

It is only natural that such a work, written in the spirit of advanced Liberalism, should incur sharp criticism in a country where there is still so much influence wielded by the Clericals. This criticism has found a voice especially in Señor Francisco Sosa, who accuses Señor Garcia of defaming the Spanish race and of abasing the Spanish *conquistadores* in order to exalt the North Americans. The result has been a considerable output of controversial literature. With all this, however, the reviewer has nothing to do at present. He has only to say that those who do not wish to ignore any standpoint in seeking for the true significance of Spanish-American history cannot afford to neglect this book.

NOTES AND FRAGMENTS.

R. W. BALLENTINE.—For the sake of clearing up some confusion relative to the name and record of Mr. Ballentine, Mr. Richard Cocke of Houston, his grand nephew, sends the following affidavit:

THE STATE OF TEXAS, }
County of Harris. }

B. F. Highsmith, of Bandera County, Texas, being duly sworn on oath, deposeth and says, that he was well acquainted with Dick Ballentine, whose name was R. W. Ballentine, who was also known as J. J. Ballentine, whose estate was administered at Washington by P. M. Mercer in 1837, and that said Ballentine was the same person who was killed at the Alamo. That he (Highsmith) saw him there two weeks before the fall, he (the said Highsmith) having been sent with instructions from Travis to Fannin, and that said Ballentine was the only man by the name of Ballentine in the Alamo or in the army of the Republic of Texas, he being well acquainted with all the soldiers of the Republic of Texas at that time, and that the said Dick (R. W.) Ballentine are one and the same person.

his
B. F. x HIGHSMITH.
mark.

Sworn to and subscribed before me this 22nd day of April, 1895.

INGHAM S. ROBERTS,

Notary Public in and for Harris County, Texas.

Filed for record April 30th, 1895, 4 p. m. Recorded May 3rd, 1895, at 3.55 p. m.

GEO. M. PERRY,
Co. Clerk.

THE STATE OF TEXAS, }
County of Ochiltree. }

I, Jas. H. Whippo, County Clerk in and for Ochiltree County, Texas, do hereby certify, that the foregoing is a correct copy of an affidavit, appearing in the deed records of this county, in Vol. 2, page 231.

JAS. H. WHIPPO, C. C. C.,
Ochiltree Co., Texas.

CONCERNING THE GONZALES CANNON.—In the notes by Mr. Winkler on the article contributed to THE QUARTERLY for October by Sion R. Bostick, of San Saba, I find the following concerning the old cannon, the dispute over the possession of which precipitated the Texas Revolution: "Brown says it was a valuable four pounder, but Holley's and Macomb's statements that it was a brass six pounder have been adopted by Kennedy, Yoakum, and Bancroft."

Col. Noah Smithwick says, in his book, *Evolution of a State or Recollections of Old Texas Days*, that the gun "was practically useless, having been spiked and the spike driven out, leaving a touch-hole the size of a man's thumb. * * * The Sowells had a blacksmith shop at Gonzales, and, being a gunsmith, I set to work to help put the arms in order." * * * "We brushed [bushed] the old cannon (an iron six-pounder), scoured it out, and mounted it on old wooden trucks * * * and christened it 'the flying artillery.'"

That Mr. Smithwick was a skilled gunsmith and a man of veracity, there are many living witnesses to testify, and it is not an unreasonable assumption that having performed the operation above described he would be enabled to speak authoritatively on all matters relating to the description of the gun.

Mr. Smithwick further says that the trucks heated so badly that the old cannon was abandoned at Sandy Creek, on the march to San Antonio, and he had no knowledge of its reclamation; he, however, left San Antonio before the assault, and it may have been brought up in his absence.

Now, what became of the cannon in the Alamo when the Mexicans retook it? Did they carry them off to Mexico? And again, some historian, Yoakum, I think, says that when the Texans under General Houston retreated from Gonzales they "threw the cannon into the river." What cannon was it they had at Gonzales at that time, and was it ever recovered?

It certainly seems to me that the old cannon is still in existence somewhere and could be identified by the above description.

NANNA SMITHWICK DONALDSON,
Historian Wm. B. Travis Chapter, D. R. T.

AFFAIRS OF THE ASSOCIATION.

The memorial page following serves as a reminder of a loss to the University and to the Historical Association that is deeply felt. The Association especially owes Professor Bugbee a great debt for his effective efforts in enlarging its membership, building up its revenues, and keeping its finances in order.

Professor Bugbee had proved himself a skillful investigator and an able writer. He had done much valuable work in Texas history, and his career was full of promise till disease began to paralyze his energies. His race was short, but he bore well the uplifted torch, and he has not run in vain.

It has been decided to have the regular annual meeting of the Association for this year jointly with that of the Veterans and the Daughters of the Republic at Lampasas, April 21st. Owing to unexpected delay in completing the arrangements for this meeting, which have just been made, it is now too late to provide for papers to be presented then; but it is likely that one or two whose titles cannot now be announced will be read. Of course the election of officers for the ensuing year and the transaction of whatever business may require attention will be included in the program.

The policy of holding the regular annual meetings of the Association jointly with the Veterans and the Daughters is intended to be permanent, and in spite of the little time left to prepare it has been thought best to inaugurate the custom at once.

Members will please take this as the regular announcement of the meeting.

WANTED.

I wish to secure the J. Pinckney Henderson memorial number (Vol. I, No. 12) of *The Texas Magazine*. Any one having this number for sale will please address

WILLIAM BEER,
Howard Memorial Library,
New Orleans, La.

Lester Gladstone Bugbee

Fellow in History, University of Texas, 1892-1893.

Tutor in History, 1895-1896.

Instructor in History, 1896-1900.

Adjunct Professor of History, 1900-1902.

Corresponding Secretary and Treasurer
Texas State Historical Association, 1897-1901.

Born, May 16, 1869.

Died, March 17, 1902.

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